

89022

GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

FRANCIS B. TIFFANY



WEST PUBLISHING CO.

1918

sand dollars, five dollars for each one hundred thousand dollars or fractional part thereof. All local building and loan associations shall so pay a fee of ten dollars. All savings banks organized under the laws of this state shall so pay the following fees: Those having assets of two hundred and fifty thousand dollars or less, thirty dollars; of more than two hundred and fifty thousand dollars, and not exceeding five hundred thousand dollars, fifty dollars; of more than five hundred thousand dollars and not exceeding one million dollars, seventy-five dollars; of more than one million dollars and not exceeding five million dollars, one hundred dollars; of more than five million dollars, ten dollars additional for each additional one million dollars or fractional part thereof. (Amended '17 c. 299 § 1)

CHAPTER 29

PUBLIC HEALTH

4640. General and special rules—The board may adopt, alter, and enforce reasonable regulations, of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof such regulations shall have the force of law, except in so far as they may conflict with a statute or with the charter or ordinances of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

1. The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter;
2. The business of scavenging and the disposal of sewage;
3. The location of mortuaries and cemeteries, and the removal and burial of the dead;

4. The management of lying-in houses and boarding places for infants, and the treatment of infants therein;

5. The pollution of streams and other waters, and the distribution of water by private persons for drinking or domestic use;

6. The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain;

7. The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease, and the reporting of sicknesses and deaths therefrom;

7-A. The prevention of infant blindness and infection of the eyes of the newly born by the designation of a prophylactic to be used in such cases and in such manner as the board may direct, unless specifically objected to by the parents or a parent of such infant.

8. The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated. But no rule of the state board or of any public board or officer shall at any time compel the vaccination of a child, or shall exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools, for the reason that such child has not been vaccinated. Any person thus required to be vaccinated may select for said purpose any licensed physician, and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous;

9. The accumulation of filthy and unwholesome matter to the injury of the public health, and the removal thereof; and

10. The collection, recording, and reporting of vital statistics by public

officers, and the furnishing of information to such officers, by physicians, undertakers, and others, of births, deaths, causes of death, and other pertinent facts. (Amended '17 c. 345 § 1)

School authorities, including members of boards of education, have authority to temporarily exclude from school attendance pupils who have been exposed to contagious or infectious diseases, and the danger of contracting and spreading the disease is sufficient cause for voting to so exclude them (132-375, 157+501). Schools and School Districts, ~~158~~158(1).

4643. Local boards—Health officers—

Cited (130-474, 153+869).

4646. Necessary help—To whom chargeable, etc.—The health officer in a municipality or the chairman of the board of supervisors in a township, shall employ at the cost of the health district over which his local board of health has jurisdiction and in which the person afflicted with a communicable disease is located, all medical and other help necessary in the control of such communicable disease, or for carrying out within such jurisdiction the lawful regulations and directions of the state board of health, its officers, or employes, and upon his failure so to do the state board of health may employ such assistance at the expense of the district involved. Any person whose duty it is to care for himself or another afflicted with a communicable disease shall be liable for the reasonable cost thereof to the municipality or town paying such cost, excepting that the municipality or town constituting such district shall be liable for all expense incurred in establishing, enforcing, and releasing quarantine, half of which may be recovered from the county as provided for under sections 4647 and 4648, general statutes of 1913. (Amended '17 c. 427 § 1)

4649. Vital statistics—State board to have charge—

Sp. Laws 1891 c. 423 cited—Laws 1911 c. 250, held not to extend or amend this act, so as to violate Const. art. 4 §§ 33, 34 (124-136, 144+748). Statutes, ~~134~~134.

Laws 1911 c. 250 cited—Title held sufficient to comply with Const. art. 4 § 27 (124-136, 144+748). Statutes, ~~110~~110½(1).

4651. Certificate of birth—By whom furnished—Contents—The physician or midwife attending at the birth of any child, or, if there is no attending physician or licensed midwife, the father or mother, shall, within ten days thereafter, subscribe and file with the local registrar of the district within which the birth occurs, a certificate of birth specifying:

Place of birth including state, county, city, village or town with the street and house number, if any, or in lieu thereof the name of the hospital or other private, public or state institution, if in such institution.

Full name of child. If the child dies without being named before the certificate is filed enter the word "unnamed" with the date of death.

Male or female.

Whether one of twins, triplets or other plural birth and the number in order of birth.

Legitimate or no.

Date of birth, including year, month, day and hour.

Full name of father, provided that if the child is illegitimate the name or residence of, or other identifying details relating to, the putative father shall not be entered without his consent, except as provided in section 4660-A.

Residence of the father.

Color or race of father—as white, colored, Indian, Chinese or other.

Age of father at last birthday.

Birthplace of father; state or foreign country.

Occupation of father with a statement of the trade, profession or particular kind of work; or the general nature of the industry or business engaged or employed in.

Full maiden name of mother.

Residence of mother.

Color or race of mother—as white, colored, Indian, Chinese or other.

Age of mother at last birthday.

Birthplace of mother; state or foreign country.

Occupation of the mother with a statement of the trade, profession or particular kind of work; or the general nature of the industry or business engaged or employed in.

Number of children born to this mother, including present birth.

Number of children born of this mother now living.

The fact of attendance and that the birth occurred at the time stated.

Date of making and address of the person subscribing.

If the child is one of a plural birth a separate certificate for each child shall be filed.

When the birth occurs in any lying-in hospital or in any private, public, charitable or state institution, without attendance by a physician or licensed midwife, the superintendent, manager, or person in charge shall make and file the certificate of birth.

If the birth occurs in any hotel, rooming or boarding house, or in any private dwelling or apartment other than the home of the parents, the keeper or occupant shall immediately notify the local registrar of that fact. The local registrar shall then procure the necessary information and signature for a proper certificate of birth.

The attending physician or midwife shall deliver to the parents a blank for a supplemental report of the given name if the child is not named at the time of making the certificate of birth.

When a certificate of birth is filed without the given or baptismal name the local registrar shall deliver to the parents a blank for a supplemental report of the name. Such supplemental report shall be made and filed with the local registrar as soon as the child is named. If such report is not filed within thirty days from the date of birth the local registrar shall obtain such name by other means. (Amended '17 c. 220 § 1)

By § 7 this act shall take effect January 1, 1918.

Admissibility of certificate as evidence (see 134-165, 158+920).

4652. Certificate of death—By whom obtained and filed—Contents—The undertaker, or person acting as such, at the burial of any person dying in this state shall obtain and file with the local registrar of the district in which the death occurs, a certificate of death containing:

A statement, authenticated by the signature of some person cognizant of the facts specifying;

Place of death, including state, county, city, village or town; with the name of the street and house number, or in lieu thereof, the name of the hospital or other private, public or state institution, if in such institution. If in an industrial or mining camp, or mine, the name of the camp or mine.

Full name of deceased. If an unnamed child the surname preceded by "unnamed."

Male or female.

Color or race—as white, colored, Indian, Chinese or other.

Single, married, widowed or divorced.

Date of birth, including year, month and day.

Age in years, months and days. If less than one day, the hours or minutes.

Occupation. If the person had any remunerative employment, statement of the trade, profession, or particular kind of work; or the general nature of the industry or business engaged or employed in.

Birthplace; state or foreign country.

Name of father, provided that if the deceased was of illegitimate birth the name or residence of, or other identifying details relating to, the putative father shall not be entered without his consent, except as provided in section 4660-A.

Birthplace of father; state or foreign country.

Maiden name of mother.

Birthplace of mother; state or foreign country.

A medical certificate subscribed by the attending physician, together with his address and date of making, stating fact and time of death, giving year, month, day and hour; time of attendance; when last seen alive; the disease or injury causing death, with contributory cause or complication, and the

duration of the illness; if from violence, the means and circumstances of the injury and whether indicating accident, suicide or homicide. Provided, that the medical certificate shall be made and subscribed by the coroner whenever the cause of death is investigated by him. Provided further, that in cities of the first, second and third class the health officer, and in towns, villages and cities of the fourth class the local registrar, or a sub-registrar, shall make and subscribe the medical certificate for any death occurring therein without medical attendance or investigation by the coroner. If the local registrar, or sub-registrar, is unable to determine the cause of death he shall refer the case to a physician, or to the coroner, for certification.

When the death occurs in a hospital or other institution or place, other than the home of the deceased, a statement of the length of time at the place of death, length of time in the state, usual place of residence and where the disease was contracted.

A statement showing place and date of burial signed by the undertaker with his address.

In the case of a child dead at birth a certificate of birth having the word "stillbirth" inserted in place of the name, and, also a certificate of death shall be made and filed with the local registrar, and a burial permit issued as hereinafter provided. The medical certificate shall be signed by the attending physician and shall state the cause of death as "stillborn" with the cause of the stillbirth, whether a premature birth and, if so, the period of utero-gestation in months. Provided: that a certificate of birth or death shall not be required for a child that has not advanced to the fifth month of utero-gestation.

In case of stillbirths occurring without an attending physician the medical certificate shall be made and subscribed as is herein provided in case of death without medical attendance. (Amended '17 c. 220 § 2)

4653-A. Public record of births—Immediately upon the receipt of a certificate of birth not accompanied with a certificate of death of the same child the local and state registrars, respectively, shall transcribe therefrom into a book to be known as the "public record of births" the following items of information: Name, sex, color or race and date of birth of child; county and city, town or village where birth occurred; name and age of mother. The public record of births shall be open to examination by all persons desiring to consult it, and from such book only shall transcripts be made for use in connection with school attendance and employment. ('17 c. 220 § 3)

1917 c. 220 § 3 adds a section to be known as 4653-A.

4660. Fees of local registrars, etc.—

R. L. 1905 § 2141 and Laws 1909 c. 23 cited—124-136, 144-748.

4660-A. Record of paternity of illegitimate child—Whenever the clerk of a district court shall report to the state registrar that a judgment has been entered determining the paternity of an illegitimate child the state registrar shall record the name of the father, and sufficient data to identify the judgment, in connection with the record of the birth of the child appearing in his office, and also in connection with the record of the death of the child, if there be such record. A report by the clerk of the subsequent vacation of such judgment shall be recorded in like manner. ('17 c. 220 § 4)

1917 c. 220 § 3 adds sections to be known as sections 4660-A and 4660-B.

4660-B. Disclosure of illegitimacy forbidden, etc.—Except when so ordered by a court of record no member of the state board of health nor any state or local registrar, nor any person connected with the office of either, shall disclose the fact that any child was either legitimate or illegitimate. The district court shall have jurisdiction, upon petition against and notice to the state registrar, to issue such orders permitting or requiring the inspection of records of births and deaths, as to it may seem just and proper, and the making and delivery of certified copies thereof. ('17 c. 220 § 4)

See note under § 4660-A.

4661. Certified copies of record as evidence—Fees—The state registrar, or any local registrar, shall furnish any applicant therefor a certified copy of the record of any birth or death recorded under the provisions of this act;

provided that the fact that any child was either legitimate or illegitimate, or other facts from which such fact can be determined, shall not be disclosed except when ordered by a court of competent jurisdiction in accordance with section 4660-B. For the making and certification of a complete record the registrar shall be entitled to receive a fee of fifty cents, to be paid by the applicant; for a transcript from the public record of births he shall be entitled to a fee of twenty-five cents, to be paid in like manner. Such copy of the record of a birth or death, when certified by the state or local registrar to be a true transcript therefrom, shall be prima facie evidence of the facts therein stated in all courts in this state. The state registrar shall keep a correct account of all fees or moneys received by him under the provisions of this act, and pay the same over to the state treasurer at the end of each month. (Amended '17 c. 220 § 5)

A certified copy of birth records being admissible under this section, it would seem that an original certificate in the custody of the proper official is equally admissible (134-165, 158+920). Evidence, Ⓒ-334(1).

4662. Penalties—Any person who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duty imposed upon him thereby, or shall furnish false information affecting any certificate or record provided in this chapter, or who shall disclose any information in violation of section 4660-B or 4661, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars or imprisoned in the county jail for a period of not more than ninety days. (Amended '17 c. 220 § 6)

4666. Offensive trades—

A rendering plant is within the statute (130-474, 153+869). Licenses, Ⓒ-22.

Evidence on an appeal to the district court, pursuant to this section and §§ 4667 and 4668, from an order of a town board denying an application to operate a rendering plant within the limits of the town, held to sustain a finding that the action of the town board was arbitrary, oppressive, and unreasonable (161+263). Licenses, Ⓒ-22.

Right of appeal (see 130-474, 153+869; note under § 4668, post).

4667. Assignment of places, etc.—

Right of appeal (see 130-474, 153+869; note under § 4668, post).

4668. Appeal to district court—

Under this section and §§ 4666 and 4667, the right of appeal is not confined to orders requiring permission to conduct a business in which the person to whom the notice is directed is already engaged, and an appeal will lie from an order of a town board of health denying an application for a permit to operate a rendering plant. The court on appeal does not try the matter anew as an administrative body, and substitute its findings for those of the board; and it will not disturb the action of the board, unless such action is arbitrary, oppressive, and unreasonable, or is without evidence to support it, or is contrary to law (130-474, 153+869). Licenses, Ⓒ-22.

That both parties assented to the jury passing on the propriety of the license, regardless of the action of the town board, did not confer jurisdiction (130-538, 153+1095). Courts, Ⓒ-24, 39.

CHAPTER 30

LIVE STOCK SANITATION

4696. Killing—Owner to be notified—Appraisal—Protest—Autopsy, etc.—Whenever the state live stock sanitary board shall decide upon the killing of an animal affected with the disease of tuberculosis, glanders or foot-and-mouth disease, it shall notify the owner or keeper of such decision, when [in] the judgment of the state live stock sanitary board, such animal may be ordered transported for immediate slaughter by said board, through its executive officer to any abattoir within the state where the United States Bureau of Animal Industry maintains inspection, and said live stock sanitary board shall pay the expense [of] said transportation and yardage.

Before being removed from the premises of owner, there shall be appointed