

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

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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 revoking 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

three (3) competent disinterested men, one appointed by the state, one by the owner, and a third by the first two, to appraise such animal at its cash value.

Such appraisal shall in no case exceed sixty dollars (\$60) for a cow and one hundred twenty-five dollars (\$125) for a horse, except in the case of pure bred cattle and horses, where the pedigree shall be proved by certificates of register from the herd books where registered, and in that case the maximum appraisal shall not exceed one hundred and fifty dollars (\$150.)

If upon slaughter such animal is found by the inspector in charge of such abattoir, or veterinarian of the state live stock sanitary board, to be free from any contagious or infectious disease, then the full amount of such appraisal, less the value of the carcass, shall be paid to the owner of such animal from the funds hereby appropriated for the purpose of carrying out this act.

But if upon post mortem examination such animal shall be found to be afflicted with tuberculosis, glanders or foot-and-mouth disease, then and in that case the value of the carcass shall be deducted from the appraised value of the living animal; three-fourths ( $\frac{3}{4}$ ) of the remainder shall be paid to the owner by the state, provided the animal has been kept for one year or since its birth in good faith in the state prior to the killing thereof.

The owner or keeper may file with the board which has ordered the killing, within forty-eight hours after being notified, a protest stating therein under oath that to the best of his knowledge and belief the animal is not infected with tuberculosis, glanders or foot-and-mouth disease; blank protest shall be furnished by the board which has ordered such killing.

Thereupon, if the animal be killed, an autopsy shall be held by three (3) experts, who shall be graduate veterinarians of a recognized college, one appointed by the state board, one by the owner, to be paid by the owner, and the third by the first two, to be paid by the state, who shall appraise such animal before it is killed at its cash value, and the autopsy shall then be held upon such animals by the above mentioned veterinarians.

If the autopsy shows that the animal is entirely free from any such disease, the full cash value thereof immediately before the killing shall be paid to the owner by the state, less the value of the carcass, but if found to be diseased, the owner shall be paid three-fourths ( $\frac{3}{4}$ ) value, as hereinbefore provided.

The appraisements made under this act shall be in writing and signed by the appraisers and certified by the local board of health and the state live stock sanitary board, respectively, to the auditor of the state, who shall draw a warrant on the state treasurer for the amount thereof.

When cattle have been bought in good faith for slaughtering purposes by butchers who are retail dealers, and the carcasses thereafter found to be infected with tuberculosis, it shall be the duty of the local board of health to appoint three (3) disinterested persons to appraise the value of said carcass, and the owner of said carcass shall be entitled to receive from the state two-thirds ( $\frac{2}{3}$ ) of the amount of such appraisement, and the hide shall also be returned to him; provided, however, that this provision shall not apply to a slaughtering or packing house that has a state or United States government inspection system. (Amended '15 c. 114 § 1)

[4696—]1. Claims for animals killed, how paid—The Live Stock Sanitary Board of this state is hereby authorized to pay out of the unexpended balance remaining in the appropriation made by Section thirty-eight (38) of Chapter four hundred and one (401) of the General Laws of 1913, such claims now on file with said board as the board determine to be just claims therefor for animals killed in order to suppress any dangerous, contagious or infectious disease, as authorized by Chapter one hundred and forty-eight (148) General Laws of 1913, in cases where the killing of such animals was not ordered by such board prior to the killing thereof, where after due investigation by said board the killing of such animals has been approved by such board as having been necessary for the purpose of suppressing such diseases, and where such board has determined that the killing of such animals was necessary for such purpose and where such claims are in all respects just claims and the claimants entitled to payment thereof under the provisions of said Chapter one hundred and forty-eight (148) of the General Laws

of 1913 [4696], except that the killing of the animals, for which such claims are made, was not ordered by said board prior to such killing. ('15 c. 337 § 1)

4717-4720. [Repealed.]

See note under § [7520—]1.

[4720—]1. **Enlargement, etc., of hog cholera serum plant—Appropriation**—That the sum of ten thousand (\$10,000.00) dollars, or as much thereof as may be necessary, is hereby appropriated from any moneys in the State Treasury not otherwise appropriated, for the enlargement and equipment of the said hog cholera serum plant of the State of Minnesota at the University Farm, same to be immediately available. ('15 c. 87 § 1)

Section 8 provides "that all acts and parts of acts inconsistent with this act are hereby repealed."

The act is entitled "An act to appropriate \* \* \* and repealing Chapter 313, General Laws 1913" [§§ 4717-4720].

[4720—]2. **Same—Appropriation for materials, etc.**—That the sum of Twenty Thousand (\$20,000.00) Dollars, or as much thereof as may be necessary, is hereby appropriated from any money in the State Treasury, not otherwise appropriated, for purchasing materials and defraying the cost and expense in the manufacture, sale and distribution of hog cholera serum, vaccine or other biological products, Ten Thousand (\$10,000) Dollars of said sum to be immediately available and Ten Thousand (\$10,000) Dollars to be available for the fiscal year ending July 31, 1916. ('15 c. 87 § 2)

[4720—]3. **Same—Serum, how sold, etc.**—That the serum manufactured at the said plant shall be sold and distributed, as near as may be, at actual cost to any citizen who is a resident of this State and who applied for same as herein prescribed by the said state serum plant, and such selling price shall be stated on the package. ('15 c. 87 § 3)

[4720—]4. **Same—Surplus serum—Purchase of serum, etc.—Precautions**—That surplus serum produced by said hog cholera serum plant above a reasonable reserve may be sold out of the State at not less than cost of production.

That in case of need said State serum plant shall be authorized to purchase hog cholera serum, vaccine or other biological products which are deemed reliable and may sell the same at approximate cost in the same manner and under the same regulations as prescribed for serum from the hog cholera serum plant of the State of Minnesota.

Provided further that the said State Serum Plant before selling or distributing any such hog cholera serum, vaccine or other biological products shall exercise all due precautions in purchasing from government licensed plants and shall conduct such inspection or tests of said hog cholera serum, vaccine or other biological products as may appear reasonably necessary to insure reliable preparation. ('15 c. 87 § 4)

[4720—]5. **Same—Duty of veterinary division of university—Serum, how administered—Duty of Department of Agriculture**—The Veterinary Division of the State University shall establish in each county of this State, as necessity may demand, one or more distributing centers where such serum, vaccine or other biological products shall be had for sale, and such serum may be administered by any person upon his own hogs, but no person, except licensed veterinarians, shall administer said serum upon the hogs of another unless authorized to do so by the State Live Stock Sanitary Board. Said Department of Agriculture shall provide instruction in the proper method of administering said serum, to persons who apply therefor and certify to the State Live Stock Sanitary Board for license, said persons when in the judgment of such Department they have qualified themselves therefor. ('15 c. 87 § 5)

[4720—]6. **Same—Virus not to be administered by unauthorized person—Penalty**—No hog cholera virus shall be used or administered by any person except he be authorized thereto by the State Live Stock Sanitary Board. Any person using or administering such virus and not so authorized shall be

guilty of a misdemeanor, the minimum punishment whereof shall be a fine of \$25.00 or imprisonment for thirty (30) days, and provided further that the use or administration of hog cholera virus for each lot of hogs shall constitute a separate and additional misdemeanor. ('15 c. 87 § 6)

[4720—]7. **Same—Proceeds of sale, how disposed of—**That all moneys collected from the sale of said hog cholera serum, vaccine or other biological products as provided in Sections three (3) [4720—3] and four (4) [4720—4] of this Act shall be paid into an operation and maintenance fund, and the same is hereby appropriated for the operation of the hog cholera serum plant of the State of Minnesota. ('15 c. 87 § 7)

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## [CHAPTER 31A]

### [HOUSING ACT FOR CITIES OF FIRST CLASS NOT UNDER HOME RULE CHARTERS]

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#### ARTICLE I—GENERAL PROVISIONS

[4755—]1. **Short title and application—**This act shall be known and may be cited as The Housing Act for cities of the first class, and shall apply to every city of the first class of the state not organized under section 36 of article IV of the State Constitution. ('17 c. 137 § 1)

[4755—]2. **Definitions—**Certain words in this act are defined for the purpose thereof as follows. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as a natural person.

(1) **Dwelling—**A "dwelling" is any house or building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place of one or more human beings, either permanently or transiently.

(2) **Class of dwellings—**For the purpose of this act dwellings are divided into the following classes: (a) "private-dwellings," (b) "two-family-dwellings," and (c) "multiple-dwellings."

(a) A "private-dwelling" is a dwelling occupied by but one family alone.

(b) A "two-family-dwelling" is a dwelling occupied by but two families alone.

(c) A "multiple-dwelling" is a dwelling occupied otherwise than as a private-dwelling or two-family-dwelling.

(3) **Classes of multiple-dwellings—**All multiple-dwellings are dwellings and for the purposes of this act are divided into two classes, viz. Class A and Class B.

Class A. Multiple-dwellings of Class A are dwellings which are occupied more or less permanently for residence purposes by several families and in which the rooms are occupied in apartments, suites or groups. This class includes tenement houses, flats, apartment houses, apartment hotels, bachelor apartments, studio apartments, kitchenette apartments, and all other dwellings similarly occupied whether specifically enumerated herein or not.

Class B. Multiple-dwellings of Class B are dwellings which are occupied, as a rule transiently, as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which as a rule the rooms are occupied singly. This class includes hotels, lodging houses, boarding houses, furnished-room houses, lodgings, club houses, convents, asylums, hospitals, jails, and all other dwellings similarly occupied whether specifically enumerated herein or not, except fire houses.

(4) **Hotel—**A "hotel" is a multiple-dwelling of Class B in which persons are lodged for hire and in which there are more than fifty sleeping rooms,