

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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carries on a banking business within this state, either directly or indirectly, or through an affiliated group or chain bank operating within this state. If the wife, or any other member of the household of a bank examiner or other officer or employe shall be so interested, it shall be conclusively presumed that said bank examiner or other officer or employe is indirectly interested in the corporation within the meaning of this act; but the meaning of the words "directly or indirectly" is not otherwise qualified. The provision of this section shall not apply to the Commissioner of Banks. (As amended Mar. 7, 1931, c. 43, §1.)

§5328-1. Penalty for violation.—Any person violating the provisions of this act shall be disqualified from holding any office or employment in the division of banking of the department of commerce, and shall be re-

moved from such office or employment by the commissioner of banks immediately upon knowledge of such violation. (Act Mar. 7, 1931, c. 43, §2.)

§5332-1. Examiners powers enlarged.—The examiner in charge of liquidation in the banking division of the department of commerce is hereby authorized to sign the name of the commissioner of banks and to act for him in all matters connected with the liquidation of insolvent corporations under the supervision and control of the commissioner of banks, with the same force and effect as though the commissioner himself had signed or acted. Provided, that said examiner shall have no authority to order an assessment against the stockholders of an insolvent state bank or trust company under the provisions of Laws 1927, Chapter 254 [§§7699-20 to 7699-247]. (Act Apr. 9, 1931, c. 137.)

CHAPTER 29 Public Health

§5348. Local boards—Health officers.

Member of town board may receive compensation as health officer as well as member of board. Op. Atty. Gen., Feb. 7, 1929.

Town board cannot appoint as health officer one who is not a duly licensed physician. Op. Atty. Gen., April 16, 1931.

Action of voters at town meeting in attempting to elect a health officer is nugatory. Op. Atty. Gen., April 16, 1931.

§5353-2. Same—Expenses.

If the county purchases an automobile, gasoline and repairs, the limitations of Laws 1931, c. 331, have no application, but such act does apply if county nurse furnishes her own automobile and bills the county for reimbursements. Op. Atty. Gen., May 23, 1931.

§5356-1. School nurses, etc., shall keep health records of children.—It shall be the duty of every school nurse, school physician, school attendance officer, superintendent of schools, principal, teacher and of the persons charged with the duty of compiling and keeping the school census records to cause a permanent public health record to be kept for every child of school age. Such record shall be kept in such form that it may be transferred with the child to any school which the child shall attend within the state and transferred to the board of health when the child ceases to attend school. It shall contain a record of such health matters as shall be prescribed by the board of health, and of all mental and physical defects and handicaps, which might permanently cripple or handicap the child. Nothing in this act shall be construed to require any child whose parent or guardian objects in writing thereto to undergo a physical or medical examination or treatment. A copy shall be forwarded to the proper department of any state to which the child shall remove. (Act Apr. 20, 1929, c. 277, §1.)

§5356-2. To furnish copies of records to juvenile court.—Whenever any child shall be brought into juvenile court, the court shall

request and the custodian of the record shall furnish a complete certified copy of such record to the court, which copy shall be received as evidence in the case; and no decision or disposition of the pending matter shall be finally made until such record, if existing, shall be considered. (Act Apr. 20, 1929, c. 277, §2.)

§5356-3. Commissioner of Education to report to Children's Bureau.—It shall be the duty of the state commissioner of education to cause a report to be made periodically to the children's bureau of the state of all diseases and defects that are of a continuous nature or that might result in a permanent handicap to the child, which have not been heretofore reported. He shall also furnish to the state board of health such information from the records as that board shall desire. (Act Apr. 20, 1929, c. 277, §3.)

§5356-4. False statements to be cause for discharge.—Any intentionally false statement in such certificate and any act or omission of a superintendent or superior officer to connive at or permit the same shall be deemed good cause for summary discharge of the person at fault regardless of any contract. (Act Apr. 20, 1929, c. 277, §4.)

§5357. Death certificates.

176M360, 223NW677, note under section 5366. The medical certificate of death is not admissible in litigation between private parties, to prove the "indications" or inferences of murder, suicide, or accident, drawn by the certificate maker from the "means and circumstances" of a violent death. *Backstrom v. N.*, 236NW708. See *Dun. Dig.* 3347(62), 3348(67).

§5366. Certified copies of record as evidence.

The medical certificate of death provided for by statute is admissible in evidence to prove, prima facie, the immediate cause as well as the fact of death. 176M360, 223NW677.

The medical certificate of death is not admissible in litigation between private parties, to prove the "indications" or inferences of murder,

suicide, or accident, drawn by the certificate maker from the "means and circumstances" of a violent death. *Backstrom v. N.*, 236NW708. See *Dun. Dig.* 3347(62), 3348(67).

§5377. Other remedies preserved.

Where a municipality casts sewage upon private property and creates and maintains a nuisance thereon, the owner or lawful occupant may recover damages. 177M547, 225NW898.

§5379. Nuisance, source of filth, etc.

In an action to recover damages for the loss of a building destroyed after an effort by city authorities to condemn it under a city ordinance, held that the evidence was insufficient to establish that the order of condemnation was posted on the building, as provided by the ordinance, and the court properly directed a verdict for plaintiffs, leaving the amount thereof to the jury. *Cates et al. v. R.*, 234NW681. See *Dun. Dig.*, 6809(78).

§5384. Teachers, pupils, etc.—Certificate.

Finding that school district was negligent in exposing school teacher to tuberculosis, sustained by evidence, but there was not sufficient evidence to show that it maintained a nuisance by its failure to make the school building sanitary, and it was not liable for damages under §3098. 177M454, 225NW449.

§5385. Infected premises—Disinfecting.

177M454, 225NW449; note under §5384.

§5390. Proclamation—Publication.—If on such investigation any such officer finds and determines that rabies does exist in any town, city or village, he shall forthwith and thereupon make and file, as hereinbefore provided, a proclamation, setting forth the fact of such investigation and determination, and also in and by said proclamation prohibit the owner or custodian of any dog from permitting or allowing such dog to be at large within such town, city or village, designating it, unless such dog shall be so effectually muzzled that it cannot bite any other animal or any person.

Whenever the secretary and executive officer of the State Live Stock Sanitary Board, after investigation, has determined that rabies exists in any territory in the State of Minnesota he shall issue similar proclamations in all towns, villages and cities within such territory or area which in his judgment it is necessary to control the outbreak and prevent the spread of such disease, and such proclamation when filed as hereinafter provided, shall prohibit the owner or custodian of any dog within the designated territory, from permitting or allowing such dog to be at large within such territory unless such dog shall be so effectively muzzled that it cannot bite any other animal or any person.

It shall be the duty of all local peace officers and all health officers to enforce the provisions of this act and any person violating any of its provisions shall be guilty of a misdemeanor.

Such proclamation, when issued by the executive officer of a town or village board of health, shall be filed with the town or village clerk, respectively; when issued by the chief health officer of a city, it shall be filed with the city clerk; when issued by the state official hereinbefore named, it shall be filed

with the clerk of each town, village and city within the territory specified therein.

It shall be the duty of each officer with whom such proclamation is filed as aforesaid, to forthwith publish a copy thereof in one issue, at the expense of his municipality, in a legal newspaper published in the town, village or city of which he is clerk, if such a newspaper is published therein, and if there be no newspaper published therein, then, to post a copy of such proclamation in three public places therein.

Proof of publication shall be made by affidavit of the publisher in the one case, and of posting, in the other, by the person posting the same, which affidavit shall be filed with the proclamation. Such proclamation shall be deemed effective and in full force five days after the publication or posting of copies thereof, as hereinbefore provided for, and shall remain in full force and effect for a period of time therein designated not exceeding six months, as shall be determined by the officer making such proclamation. (As amended Feb. 20, 1929, c. 34.)

GARBAGE REMOVAL

§5394-1. Unlawful to transport garbage without permit.—It shall be unlawful for any person to transport garbage, offal, ashes, or other rubbish over any public highway, including trunk highways, without first obtaining a permit so to do from the governing body of each town, city, or village through which such transportation may take place. A separate permit shall be issued for each vehicle used in such transportation, and shall state the period of time, not exceeding one year, that the permit shall be in effect, and the place to which and the roads over which such garbage, offal, ashes, or other rubbish may be transported. The governing body of such town, city or village, may revoke any permit at any time. The driver or operator of each such vehicle shall carry such permit on his person or attached to such vehicle at all times while transporting such material. The provisions hereof shall not apply to the transportation of any of the materials herein mentioned over roads within the limits of the town, city or village in which such garbage, offal, ashes or other rubbish originates. (Act Mar. 19, 1931, c. 77, §1.)

§5394-2. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. (Act Mar. 19, 1931, c. 77, §2.)

§5394-3. Definitions.—The word "person" as used herein shall include individuals, co-partnerships, or corporations, and shall include persons hauling under contract or agreement with any municipal corporation or board or commission thereof, and any employe of such contractor, or of such municipality, board or commission. (Act Mar. 19, 1931, c. 77, §3.)

§5394-4. Application.—This act applies only in all counties of this state having a population of over 500,000 inhabitants. (Act Mar. 19, 1931, c. 77, §4.)