

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



Edited by
WILLIAM H. MASON, Editor-in-Chief
W. H. MASON, JR., Assistant Editor

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public library, as the case may be, for the use of the historical society of such county, and to furnish light and heat for such room or rooms. (Act Apr. 24, 1929, c. 324, §1.)

§5670-12. Appropriation.—That the county board of any county in the State of Minnesota, having a population of less than twenty-five thousand inhabitants, according to the last United States census, is hereby authorized and empowered to appropriate out of the revenue fund of such county, such sum not exceeding one thousand dollars annually, and in counties where the population is not less than twenty-five thousand inhabitants nor more than seventy-five thousand inhabitants, the county board of such county is hereby authorized to appropriate a sum not exceeding the sum of two thousand dollars annually, and in counties where the population is more than seventy-five thousand inhabitants the county board is hereby authorized to appropriate a sum not exceeding three thousand

dollars annually, as it may deem advisable, to be paid to the Historical Society of such counties respectively, to be used for the promotion of historical work within the borders thereof, and for the collection, preservation and publication of historical material, and to disseminate historical information of the county, and in general to defray the expense of carrying on the historical work in such county.

Provided, that no county board is authorized to appropriate any funds for the benefit of any county Historical Society unless such society shall be affiliated with and approved by the Minnesota Historical Society. (Act Apr. 24, 1929, c. 324, §2.)

§5670-13. Application.—This act shall not affect any other act relating to historical work, nor apply to any county which is now authorized by law to make appropriations for such work. (Act Apr. 24, 1929, c. 324, §3.)

CHAPTER 35

Employments Licensed by State Boards or Officials

ATTORNEYS AT LAW

§5686-1. Admission of attorneys to practice in certain cases.—Any adult resident of the State of Minnesota, who has completed the prescribed course of study for admission to the practice of law in any state of the United States where said prescribed course of study is for a period of not less than three years, and who has been duly examined as to his qualifications by the law examining body of said state and admitted to the practice of law therein, and who has served as an official court reporter in the State of Minnesota for not less than five years immediately following said examination under appointment of a district judge of this state, and who is recommended for his character, ability and learning by said judge, shall upon furnishing proof of the foregoing facts and payment of the usual fee be on motion before the supreme court of this state admitted within six months after the passage of this act to practice law in all of the courts of this state without examination. (Act Apr. 20, 1929, c. 267.)

This act is invalid. 178M335, 227NW180.

§5686-2. Admission to practice at law of certain persons.—Any person who has studied law in the office of a practicing attorney of this State for a period of at least three years in compliance with the rules of the State Board of Bar Examiners in force at the time of such study and who has been a student in the Academic College of the University of Minnesota for a period of more than one year and who has served in the military or naval forces of the United States during the World War and received an honorable discharge therefrom and who was disabled therein or thereby within the purview of the Act of Congress approved June 7th, 1924, known as "World War Veteran's Act, 1924" and whose disability is rated at least ten per cent there-

under at the time of the passage of this act, shall on motion before the Supreme Court upon proof of such facts and that he is an adult resident of the State of Minnesota of good moral character, recommended by two district judges of this State, be admitted to practice law without examination upon payment of the usual fee for such examination. (Act Apr. 27, 1929, c. 424, §1.)

Laws 1929, c. 424, admitting certain disabled veterans and court reporters to practice of law, violate the equality provisions of the constitution. 178M331, 227NW179; 178M335, 227NW180.

An agreement to pay an attorney to act as vice president of a bank on a salary, the fees of the attorney to be assets of the bank, held invalid as in effect a practice of law by the bank, a corporation having no authority to practice law. 181M254, 232NW318. See Dun. Dig. 676.

Foreclosure of mortgages by advertisement, where an attorney's fee is charged, and the conducting of proceedings in the probate court in the matter of estates and guardianships, held "practice of law." 181M254, 232NW318. See Dun. Dig. 676.

§5687. Unauthorized practice. [Repealed].

Repealed. Laws 1931, c. 114, post, §5687-2.

§5687-1. Unauthorized practice of law—penalty.—(a) It shall be unlawful for any person or association of persons, except members of the Bar of Minnesota admitted and licensed to practice as attorneys at law, to appear as attorney or counsellor at law in any action or proceeding in any court in this state to maintain, conduct or defend the same, except in his own behalf as a party thereto in other than a representative capacity, or, by word, sign, letter, or advertisement, to hold out himself or themselves as competent or qualified to give legal advice or counsel or to prepare legal documents, or as being engaged in advising or counseling in law or acting as attorney or counsellor at law, or in furnishing to others the services of a lawyer or

lawyers, or, for a fee or any consideration, to give legal advice or counsel, perform for or furnish to another legal services, or, for or without a fee or any consideration, to prepare (directly or through another) for another person, firm or corporation, any will or testamentary disposition or instrument of trust serving purposes similar to those of a will, or, for a fee or any consideration, to prepare for another person, firm or corporation, any other legal document, except as provided in sub-division (c) below.

(b) No corporation, organized for pecuniary profit by or through its officers or employees or anyone else, shall maintain, conduct or defend (except in its own behalf when a party litigant) any action or proceeding in any court in this state; or shall, by or through its officers or employees or anyone else, give or assume to give legal advice or counsel or perform for or furnish to another person or corporation legal services; or shall, by word, sign, letter or advertisement, solicit the public or any person to permit it to prepare or cause to be prepared any will or testamentary disposition or instrument of trust serving purposes similar to those of a will, or hold itself out as desiring or willing to prepare any such document, or to give legal advice or legal services relating thereto or to give general legal advice or counsel, or to act as attorney at law or as supplying or being in a position to supply the services of a lawyer or lawyers; or shall to any extent engage in or hold itself out as being engaged in the business of supplying services of a lawyer or lawyers; or shall cause to be prepared any person's will or testamentary disposition or instrument of trust serving purposes similar to those of a will, or any other legal document for another person, firm or corporation, and receive, directly or indirectly, all or a part of the charges for such preparation or any benefits therefrom; or shall itself prepare, directly or through another, any such document for another person, firm or corporation, except as provided in (c) below.

The foregoing shall not prohibit anyone from drawing, without charge for so doing, any document to which he, or a person whose employee he is or a firm whereof he is a member or a corporation whose officer or employee he is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will; and shall not prohibit a person from drawing a will for another in an emergency wherein the imminence of death leaves insufficient time to have the same drawn and its execution supervised by a licensed attorney at law; and shall not prohibit anyone, acting as broker for the parties or agent of one of the parties to a sale or trade or lease of property or to a loan, from drawing or assisting in drawing, with or without charge therefor, such papers as may be incident to such sale, trade, lease, or loan; and shall not prohibit any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of such policies; and shall not prohibit one such li-

censed attorney at law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between said corporations; and shall not prohibit any bona fide labor organization from giving legal advice to its members in matters arising out of their employment; and shall not prohibit any person from conferring or cooperating with a licensed attorney at law of another in preparing any legal document, if such attorney is not directly or indirectly in the employ of such person or of any person, firm or corporation represented by such person; and shall not prohibit any licensed attorney at law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or wherein it is interested personally or in a representative capacity (except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will), but any charge made for the legal work connected with preparing and drawing such document shall not exceed the amount paid to and received and retained by such attorney, and such attorney shall not directly or indirectly rebate the same to or divide the same with such corporations; and shall not prohibit any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions or any other conveyances except testamentary dispositions and instruments of trust; and shall not prohibit a licensed attorney at law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom he is employed and by whom no compensation is directly or indirectly received for said services, and shall not prohibit any person or corporation engaged in the business of making collections from engaging or turning over to an attorney at law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney at law receives the entire compensation for such work, and shall not prohibit any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers thereto, made by a licensed attorney at law, if no such answer be accompanied or at any time preceded or followed by any charge for such answer, any disclosure of any name of the maker of any answer, any recommendation of or reference to anyone to furnish legal advice or services, or by any legal advice or service for such periodical or any one connected with it or suggested by it, directly or indirectly.

(d) It shall be unlawful to exact, charge or receive any attorney's fee for the foreclosure of any mortgage, unless the foreclosure is conducted by a licensed attorney at law of Minnesota and unless the full amount charged as attorney's fee is actually paid to and received and retained by such attorney, without being directly or indirectly shared with or rebated to anyone else, and it shall be unlawful for any such attorney to make any showing that he has received such a fee unless he has received the same or to share

with or rebate to any other person, firm or corporation such fee or any part thereof received by him; but such attorney may divide such fee with another licensed attorney at law maintaining his own place of business and not an officer or employee of the foreclosing party, if such attorney has assisted in performing the services for which the fee is paid, or resides in a place other than that where the foreclosure proceedings are conducted and has forwarded the case to the attorney conducting such foreclosure.

It shall be unlawful for any corporation, appearing as executor, administrator, guardian, trustee or other representative, to do the legal work in any action, probate proceeding or other proceeding in any court in this state, except through a licensed attorney at law of Minnesota maintaining his own place of business and not an officer or employee of such executor, administrator, guardian, trustee or representative. No attorney's fee shall be charged or paid or received in any such case, unless actually paid to and received and retained by such an attorney at law maintaining his own place of business and not an officer or employee of such executor, administrator, guardian, trustee or representative; and it shall be unlawful for such attorney to represent in any manner that he has received any sum as a fee or compensation unless the same has been actually received by him, or directly or indirectly to divide with or rebate to any person, firm or corporation any part of any such fee or consideration received by him in any such case; but such attorney may divide such fee with another licensed attorney at law maintaining his own place of business, and not an officer or employee of such executor, administrator, guardian, trustee or other representative, if such attorney has assisted in performing the services for which the fees are paid, or resides in a place other than that where the action or proceedings are conducted and has forwarded the case to the attorney conducting the action or proceedings.

(e) Any person or corporation or officer or employee thereof violating any of the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as by statute provided for the punishment of misdemeanors. It shall be the duty of the respective county attorneys in this state to prosecute violations of this act, and the district courts of this state shall have sole original jurisdiction of any such offense under this act.

In lieu of criminal prosecution above provided for, such County Attorney or the Attorney General may, in the name of the State of Minnesota, or in the name of the State Board of Law Examiners, proceed by injunction suit against any violator of any of the provisions above set forth to enjoin the doing of any act or acts violating any of said provisions.

(f) Any attorney or counsellor at law residing in any other state or territory wherein he has been admitted to practice law, who shall attend any term of the supreme or district courts of this state for the purpose of trying or participating in the trial or proceedings of any action or proceedings there

pending may, in the discretion of the court before whom he appears in such action or proceeding, be permitted to try, or participate in the trial or proceedings in, such action or proceeding, without being subject to the provisions of this act, other than those set forth in sub-division (b) above.

(g) Any person who prior to the passage of this act has served eight years or more as Judge of any Municipal Court in this State, and who for twenty years or more, prior to the passage of this act, has performed legal services in the Probate Courts of this state for himself, while acting as administrator, executor or guardian, shall be permitted to practice in any Municipal Court of this state, and also to perform necessary legal services in any Probate Court of this state for himself while acting as administrator, executor or guardian.

(h) Nothing herein contained shall be construed to prevent a corporation from furnishing to any person lawfully engaged in the practice of law, such information or such clerical service in and about his professional work as, except for the provisions of this section, may be lawful, provided that at all times the lawyer receiving such information or such services shall maintain full, professional and direct responsibility to his clients for the information and services so received. (Act Apr. 4, 1931, c. 114, §1.)

In a criminal prosecution before a justice of the peace or in municipal court in a misdemeanor case, a forest ranger or patrolman may assist in presenting the evidence in behalf of the state by examination of the witnesses. Op. Atty Gen., May 27, 1931.

§5687-2. Law repealed.—Section 5687, General Statutes 1923, is hereby repealed. (Act Apr. 4, 1931, c. 114, §2.)

§5687-3. Provision separable.—In case any section, subdivision, paragraph or sentence of this act is declared unconstitutional, that shall not affect the validity of the rest of this act. (Act Apr. 4, 1931, c. 114, §3.)

§5687-4. Effective July 1, 1931.—This act shall take effect and be in force from and after July 1, 1931, but shall not affect any action or proceeding now pending in any court. (Act Apr. 4, 1931, c. 114, §4.)

§5687-5. Attorneys shall not employ solicitors.—No attorney-at-law shall, through any runner, agent or person not an attorney-at-law who is employed by him, solicit a person to employ such attorney to present a claim for damages for personal injuries or for death, or to prosecute an action to enforce such a claim, and no attorney-at-law shall directly or indirectly give or promise to any such person other than an attorney-at-law any money, fee or commission in consideration of the employment of such attorney by a person having a claim for personal injuries or for death, or soliciting or procuring such person who has such claim to employ such attorney to present such claim or to prosecute an action for the enforcement thereof. (Act Apr. 23, 1929, c. 289, §1.)

§5687-6. Soliciting of business by persons other than attorneys unlawful.—It shall be

unlawful for any person not an attorney-at-law to solicit for money, fee or commission, in any manner whatsoever, any demand or claim for personal injuries or for death for the purpose of having an action brought thereon for the purpose of settling the same. Nothing in this act shall be construed to prevent any bona fide labor organization or any member thereof from advising or securing advice for any member of such organization in regard to his rights. (Act Apr. 23, 1929, c. 289, §2.)

§5687-7. Violation a misdemeanor.—(a) Any attorney-at-law who shall violate Section 1 hereof shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50, nor more than \$100, or imprisonment in the county jail for not more than 90 days.

(b) Any person who shall violate Section 2 [§5687-6] hereof shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50, nor more than \$100, or by imprisonment in the county jail for not to exceed 90 days. (Act Apr. 23, 1929, c. 289, §3.)

§5687-8. Certain statements shall be presumed to be fraudulent.—(a) Any statement secured from an injured person at any time within 30 days after such injuries were sustained shall be presumably fraudulent for use in the trial of any action for damages for injuries sustained by such person or for the death of such person. (Act Apr. 23, 1929, c. 289, §4.)

§5687-9. This act shall take effect and be in force from and after December 31, 1929. (Act Apr. 23, 1929, c. 289, §5.)

§5688. General duties.

Fact that defendant attorney had contracts with his clients for contingent fees did not render his contract with plaintiff investigator champertous or illegal. 171M384, 214NW276.

Attorney could not recover for legal services where there was no express contract therefor, nor a contract to be implied from the facts. 176M498, 223NW786.

Attorney guilty of fraud and bad faith toward his client is not entitled to compensation. 180M493, 231NW410.

Though an attorney may be guilty of misconduct in establishing his case by his own testimony, such testimony is competent. 181M45, 231NW414.

A contract between lawyers having claims against embarrassed corporations to share the fees which one should receive as attorney for the receiver of such corporations is against public policy, where the purpose of the arrangement was to throw such corporations into the hands of a receiver and profit by the fees allowed the receiver and his attorney. Anderson v. G., 237NW9. See Dun. Dig. 1870, 1871.

Subd. 5—Volunteering information on the witness stand. 171M492, 214NW666.

§5689. Penalties for deceit, etc.

This section trebles damages in actions therein referred to, but does not create any new cause of action. 181M322, 223NW515. See Dun. Dig. 674.

§5690. Authority.

Knowledge of a written assignment of a contract for deed by the vendee cannot be imputed to the vendors from the fact that their attorney drew the assignment. 175M502, 221NW871.

Fact that contract with plaintiff's attorneys is champertous and void, or that the attorneys

have been guilty of unprofessional conduct, is not ground for dismissing the action. 177M1, 223NW291.

Sole heir having ratified settlement of claim, authority of attorney representing him cannot be questioned. Parker's Estate, 227NW426.

§5695. Lien for attorneys' fees extended.

Retaining lien of attorneys on money paid in settlement is not divested merely by an order of court entitling the client to a vacation of the settlement. 173M141, 216NW793.

The fixing and allowance of fees of an attorney for a receiver are largely in the discretion of the trial court and will not be disturbed except for an abuse of such discretion. 713M619, 216NW784.

Defendant is charged with constructive notice of lien of plaintiff's attorney, and though plaintiff and defendant may settle the litigation, such settlement would be subject to the lien of the attorney, for the amount of which the defendant would be liable; and defendant could not interpose a collusive judgment obtained in another state to defeat the attorney's lien. 47F(2d)112. See Dun. Dig. 710.

Where the action was dismissed because of such settlement the attorney was entitled to have the judgment vacated, with leave to intervene for the purpose of enforcing the lien. 47F(2d)112. See Dun. Dig. 710.

Expenses incurred by attorney is part of his "compensation" within the meaning of this section. 47F(2d)112. See Dun. Dig. 706.

Subdivision 1 is declaratory of common law. 33F(2d)1001.

Under subdivision 2, attorneys had lien on money recovered in settlement of suit commenced by bankrupt before adjudication for all services theretofore rendered. 33F(2d)1001.

Attorneys fees of \$21,000 were allowed in litigation involving trust property of \$2,730,000. Butler v. B., 235NW918. See Dun. Dig. 701.

An order, upon an order to show cause submitted upon affidavits determining right of respondent to an attorney's lien and the amount thereof, held a final order and appealable. Canfield v. J., 237NW190. See Dun. Dig. 302.

§5696. Refusal to surrender property to clients.

Order for impounding attorneys' fees and requiring client to give security pending determination of distributive shares of several attorneys, held not appealable. 180M30, 230NW113.

§5697. Removal or suspension of attorney.

Attorney disbarred for making willful and known false representations to others than clients who, to his knowledge, trust to such representations. 171M437, 214NW652.

Professional misconduct warranting disbarment, and limitations on time to proceed for disbarment. 171M352, 214NW662.

Misappropriation of funds held to warrant disbarment. 171M434, 214NW663.

Deception of court and slanderous and contemptuous remarks by female attorney held ground for disbarment. 171M492, 214NW666.

Retention of bail money as fees held not to constitute misconduct requiring disbarment of attorney. 172M248, 215NW175.

Attorney receiving money from a client to be applied on a claim against the client, but failing to apply it, was disbarred. 172M158, 215NW191.

Attorney disbarred for withholding money of client. 172M347, 215NW425.

Attorney charged with having pleaded guilty to indictment for attempting to evade tax imposed by Revenue Act of 1921 (Mason's U. S. Code, Title 26, Chap. 30), should have opportunity to prove that offense was committed under circumstances not involving moral turpitude. 173M297, 215NW427.

Evidence held insufficient to justify disbarment of attorney on the ground of bad faith or intentional misconduct toward his client, though showing negligence in failing to ascertain state of account and to have proper settlement. 172M532, 216NW219.

Evidence held not to require disbarment. 173 M274, 217NW142.

Conviction of attorney for attempt to evade federal income tax shows conviction of a "misdemeanor involving moral turpitude." 173M297, 217NW356.

Attorney admitting specific charges of bribing public official and simply asking leniency on ground of previous good character, will be disbarred. Erickson, 221NW724.

In a proceeding for discipline and disbarment of an attorney, he may be called for cross-examination under the statute. Halvorson, 221NW 907.

Attorney suspended for failing to promptly account for collections. Halvorson, 221NW907.

Attorney fraudulently received property from bankrupt and aiding to conceal the same and in undertaking to get client to will farm to certain person, should be disbarred. 176M519, 223NW921.

Attorneys suspended for misconduct. 177M203, 225NW97.

Attorney receiving retainer and doing nothing, disbarred. Redding, 225NW274.

Failure to account to client for money collected is ground for disbarment, and it is no defense that the client resort to disbarment proceeding to compel such accounting, and agrees to stop the proceeding if the money is paid. 178 M547, 227NW892.

Suspension for 18 months imposed on attorney who pleaded guilty to grand larceny in second degree while acting in capacity other than attorney. Neumeister, 230NW487.

Misapplication of money of clients, held ground for disbarment. 180M148, 230NW582.

Attorney disbarred for misappropriating his client's money. Kahner, 231NW233(1).

Attorney disbarred for conviction of crime against United States. Beach, 231NW421(1).

Concealing collection and misappropriating client's money, held ground for disbarment. 181 M65, 231NW396.

Attorney held guilty of misconduct in taking employment with a bank on a salary basis and agreeing with the bank that his fees as an attorney shall belong to the bank. 181M254, 232 NW318. See Dun. Dig. 664.

Entire failure to act in making collections and to answer correspondence, held ground for disbarment. Scott, 232NW108. See Dun. Dig. 678.

Use of criminal process by county attorney to collect civil claims was misconduct requiring discipline. Joyce, 234NW9. See Dun. Dig. 678, 2307.

The embezzlement of funds coming into the hands of respondent, an attorney at law, as guardian of incompetent ex-service men, he evidently having been appointed such guardian because of being an ex-service man and a lawyer, justifies no other discipline than disbarment. Fitz Gibbons, 234NW637. See Dun. Dig. 678.

Attorney convicted of compounding a crime was disbarred. Ostensoe, 235NW521. See Dun. Dig. 678(94).

A lawyer's conviction of a felony is ground for disbarment. Nelson, 235NW675. See Dun. Dig. 678(94).

An attorney who appropriates his client's money and neglects to protect the client's interests, and who, when called to account, seeks by falsehood to hide his wrongdoing, should be permanently disbarred. Smith, 236NW324. See Dun. Dig. 678(95).

Findings of the referee as to misappropriation by an attorney of funds entrusted for investment, of perjury, and of knowingly filing in public offices forged instruments, require his disbarment. Friedman, 236NW703. See Dun. Dig. 678.

Record held not to bring out clearly any of the charges to be barred by the limitation provision of this section. Friedman, 236NW703. See Dun. Dig. 679a(7).

Questions of constitutionality of a statute or of conflict between legislative and judicial authority over the admission and disbarment of attorneys should not be determined, except upon adequate legal argument and only when essential for a decision of the case before the court. Friedman, 236NW703.

Attorney admitting that he appropriated and converted money belonging to the estate of an insane person was disbarred. Tollefson, 237NW 192. See Dun. Dig. 678(95).

BASIC SCIENCES AND PRACTICE OF HEALING

§5705-1. Basic sciences defined—Practicing, etc.

For application of this act to persons licensed under act regulating massage, see Laws 1929, c. 347, §15, post, §5784-27.

This act is constitutional. 181M341, 232NW517. See Dun. Dig. 1675, 7483(26).

This act does not apply to chemistry until after the expiration of the calendar year 1931. Op. Atty. Gen., March 24, 1930.

PRACTICE OF HEALING

§5705-24. Healers, etc., to report defective children.—Every duly licensed person practicing the art of healing in any way and every person diagnosing human ailments within the state who shall attend or treat any child of pre-school age or of school age who is not attending school, and every such person who observes any such child in a family in which he attend or treats any person for any cause, shall report directly to the state department to which communicable diseases are required to be reported, any defect, injury or disease of a continuous nature or which might permanently handicap the child, and which comes under his/her observation provided such child is not under the age of one year. He/she shall also particularly indicate those cases in which the parents or guardian of the child have not the knowledge or means necessary to insure all necessary treatment of the child. Provided, if there be filed with the clerk or secretary of such department a certificate of a reputable physician of the community that a defect, injury or disease of a child is incurable or is being cared for, further compliance with the provisions of this act with respect to such defect or handicap shall not be required. (Act Apr. 24, 1929, c. 328, §1.)

§5705-25. Reports to be available to Children's Bureau.—Such reports shall be made available to the children's bureau and such children's bureau shall disseminate information designed to prevent the permanent crippling or handicapping of children. (Act Apr. 24, 1929, c. 328, §2.)

§5705-26. State Board of Health to furnish blanks.—The state board of health shall formulate and furnish to such persons blanks on which such reports may be made. (Act Apr. 24, 1929, c. 328, §3.)

PHYSICIANS AND SURGEONS

§5706. Board of medical examiners.

Board has no power to suspend a license. Op. Atty. Gen., Aug. 23, 1929.

The compensation of the secretary-treasurer and the stenographer to such secretary contemplated by section 5712 is within the control of the commission of administration and finance under Mason's Statutes §53-7. Op. Atty. Gen., Oct. 16, 1929.

There is no incompatibility between the office of health officer of the City of Sauk Center on the one hand and a member of state board or state employment on the other hand. Op. Atty. Gen., Mar. 10, 1931.

A member of State Board of Medical Examiners may accept employment as a physician and surgeon by the State Board of Control for the care and treatment of inmates for the home school for girls. Op. Atty. Gen., Mar. 10, 1931.

\$5707. Examination and license—Revocation.

Professional care and skill required of physician. 174M574, 219NW941.

Malpractice. Gamradt v. D., 223NW296.

Two year statute of limitations does not begin to run against malpractice suit until end of treatment. 178M482, 227NW432.

Physicians, held negligent in treating a fractured knee cap, and measure and amount of damages determined. 181M381, 232NW708. See Dun. Dig. 7489, 7493.

A physician's professional acts, and the necessity and propriety thereof, are to be tested by the evidence of those who are trained and skilled in his particular school of medicine. 181M590, 233NW317. See Dun. Dig. 7494(19).

In the absence of expert medical testimony, the evidence was insufficient to support a finding that the attending doctor negligently failed to properly diagnose the patient's condition. 181M590, 233NW317. See Dun. Dig. 7496.

The evidence was insufficient to establish the causal connection between physician's alleged negligence and the necessity for an operation had seven months later. 181M590, 233NW317. See Dun. Dig. 7491a.

Instruction of court in malpractice case as to when treatment ceases, held erroneous. Schmit v. E., 236NW622. See Dun. Dig. 7488b(62).

When a physician is employed generally to treat and heal an injury, he owes the duty of continued care and treatment. Schmit v. E., 236NW522. See Dun. Dig. 7488b(62).

Negligent failure to treat an injury, at a time when the need of treatment is known to the physician and there is opportunity to apply proper treatment, amounts to the same as negligent treatment. Schmit v. E., 236NW622. See Dun. Dig. 7488.

So long as the relation of physician and patient continues as to the particular injury or malady which he is employed to cure, and there remains something for him to do in order to effect a cure, it cannot be said that the treatment has ceased; but if nothing further is to be done, and physician ceases to attend the patient in relation thereto, the treatment ordinarily ceases, without any formality. Schmit v. E., 236NW622. See Dun. Dig. 7488b(62).

\$5712. Duty of secretary—Money how paid—etc.

The compensation of the secretary-treasurer and his stenographer or assistant is within the control of the commission of administration and finance under §53-7 herein. Op. Atty. Gen., Oct. 16, 1929.

\$5720. Revocation of license.

Board has no power to suspend a license. Op. Atty. Gen., Aug. 23, 1929.

CHIROPRACTORS

\$5725. Definition.

Chiropractor cannot practice chiropody as defined by §5769. Op. Atty. Gen., Sept. 16, 1929.

\$5730. Renewal fee—Fees to be paid to state treasurer—Report.

Board cannot use funds to send representative to Chiropractic Congress. Op. Atty. Gen., Aug. 9, 1929.

OSTEOPATHY

\$5736. Practice of osteopathy—Licenses—Penalties.

Extent of practice of osteopaths. Op. Atty. Gen., Aug. 14, 1929.

NURSES

\$5745. Compensation of board of Nurses Examiners.—Each member of said board, except the secretary, shall receive a compensation of not more than \$10.00 per day for each day of actual service, and actual expenses incurred in attending the meetings of the board, and examinations given by said board, which actual expenses shall include meals, lodging and travel, only. And in addition to the foregoing compensation and expenses each member of the board, except the secretary, shall be allowed such fee or fees for examining, marking and grading examination papers of applicants for registration as the said board shall deem reasonable, not to exceed, however, the sum of 40 cents for each paper so examined, marked and graded. Such board may also incur and pay all necessary expenses for office help and office expenses. Said board may fix the salary of its secretary and the educational director. Such salaries, compensation and expenses shall be paid out of any moneys in the hands of the state treasurer to the credit of said board upon the order of the secretary of the board. This act shall be subject to the provisions of Chapter 426, General Laws 1925 [§§53-1 to 53-52]. (As amended Apr. 12, 1929, c. 173.)

\$5747. Examinations — Notices — Fee — Qualifications.—Said board shall hold public examination at least once in each year at such times and places as it may determine, and notice of the time and place of such examination shall be given by a publication thereof at least ten days before such examination, in a daily newspaper published at the capital of the state, and said board may give such other notice as it deems advisable. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor, and shall pay to the treasurer of said board an examination fee of \$15, and shall present himself or herself at the next regular meeting of said board for examination of applicants, and upon said board being satisfied that the applicant possesses the following qualifications:

- (1) Is of the age of twenty-one years or over,
- (2) Is of good moral character,
- (3) As to any applicant who presents himself or herself for examination on and after September 1, 1929, that such applicant has received an education equivalent to one year of high school, and as to any applicant who presents himself or herself for examination on and after September 1, 1935, that such applicant has received an education equivalent to two years of high school, provided, however, that the provisions of this subdivision shall not apply to those who have entered a school of nursing prior to September 1, 1929, but as to those persons the provisions of this subdivision as it stood prior to the amendment thereof shall remain applicable, and
- (4) Has graduated, or is within three months of graduating from a school of nursing connected with a general hospital where three years of training, with a systematic course of instruction is given; or has grad-

uated, or is within three months of graduation from a school of nursing in connection with a hospital of good standing supplying a systematic three years' training corresponding to the above standards, which training may be obtained in two or more schools of nursing, said board shall proceed to examine said applicant in both theoretical and practical nursing and upon such applicant passing said examination to the satisfaction of said board, said board shall enter said applicant's name in the register, hereinafter provided for, and shall issue to said person a certificate of registration authorizing said person to practice the profession of nursing as a registered nurse, provided, however, that any applicant who prior to the completion of the three year course of training required by this act passes said examination to the satisfaction of the board must, before he or she shall be granted a certificate of registration as a registered nurse present to the board satisfactory evidence that he or she has completed the full three years of training as required by this act. (As amended Apr. 15, 1929, c. 193.)

Under this section as amended by Laws 1929, c. 193, one who has passed the state board examination prior to completion of a three year course of training is not entitled to a certificate of registration until she has completed the three year of training, it not being necessary or proper to issue a certificate to her and then revoke it. Op. Atty. Gen., July 5, 1930.

DENTISTS

§5757. Board of dental examiners—Appointment.

Sections 5757 to 5760, herein, are valid. 47Sup Ct122.

§5758. Same—Officers—Meetings—Etc.

Board is without authority to create office of assistant secretary, but this does not mean that board may not incur such expenses as may be necessary within limit of funds. Op. Atty. Gen., Jan. 2, 1930.

While there is no authority to appoint an assistant secretary at a salary in addition to that named in this section, there is no reason why the board may not incur such expense as may be necessary within the limit of the funds provided. Op. Atty. Gen., Jan. 2, 1930, Jan. 20, 1930.

§5761. [Repealed].

See §5763-2 herein.

§5762. Annual fees—Change of place of business—Duplicate licenses.

It is mandatory that the board revoke license where fee is not paid. Op. Atty. Gen., Apr. 13, 1929.

§5763-2. Inconsistent acts repealed.—Section 5761 and all parts of acts insofar as the same are inconsistent herewith are hereby repealed. The various provisions of this Act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provisions hereof. (Act Mar. 4, 1931, c. 36, amending Laws 1927, c. 98.)

MASSAGE

§§5784-1 to 5784-12. [Repealed].

Repealed by Laws 1929, c. 347, §21, post. §5784-33.

§5784-13. Definitions.—As used in this act, the term "massage" shall mean the method, art or science of treating the human body for hygienic or remedial purposes exclusively, by rubbing, stroking, kneading, tapping or rolling the same with the hands, or by rubbing, stroking, kneading, tapping or rolling the body with any other agency or instrumentality for the purpose of relieving, alleviating and reducing affected parts thereof; the term "masseur" shall mean a male person and the term "masseuse" a female person who practices "massage" as herein defined; the term "Board" shall mean the State Board of Medical Examiners as the same now is or hereafter may be constituted by law; the term "license" shall mean a certificate issued by the Board authorizing the holder thereof to practice "massage" in this State. The phrase "accredited school" or "accredited institution" shall mean one approved by the board. The word "reducing" as used hereinbefore shall not be interpreted to include reducing a fracture or a dislocation. (Act Apr. 24, 1929, c. 347, §1.)

§5784-14. What is massage.—The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic or chiropody, and persons duly licensed in this state to practice medicine, surgery, osteopathy, chiropractic or chiropody, nurses who work solely under the direction of any such persons, athletic directors and trainers are hereby expressly excluded from the provisions of this act. It is further provided that beauty culturists, barbers and bath parlor attendants who do not give or hold themselves out to give massage treatments, as defined herein, other than is customarily given in such shops or places of business, for the purpose of beautification only, shall be exempt from the provisions of this act. (Act Apr. 24, 1929, c. 347, §2.)

§5784-15. Operators must be licensed.—No person shall for or in expectation of any fee, gift, compensation or reward of any kind, engage in, or hold himself out as being engaged in, the practice of massage within this state, without having a license therefor as provided in this act. (Act Apr. 24, 1929, c. 347, §3.)

§5784-16. State board of medical examiners to issue license.—The Board shall issue licenses to practice massage only to persons qualified therefor under the provisions of this act after examination as herein provided, upon application in manner and form as prescribed by the Board and payment thereto of a fee of \$25.00; provided however that licenses may be renewed by the Board without examination upon application and payment of a renewal fee of \$5.00; and licenses issued pursuant to existing law and outstanding at the time of the passage of this act are hereby continued in force and effect until the same shall expire unless sooner revoked by the Board, as provided for in this act, and shall be renewed by the Board without examination upon application and payment of a renewal fee of \$5.00, except as in this act otherwise provided for; application for renewal of license as herein provided for shall

be made to the Board on or before May 31st of each year, and shall be accompanied by the renewal fee of \$5.00; provided further that the Board in its discretion may without examination upon the payment of a fee of \$50.00 issue a license to any person qualified to practice massage in any other state or territory whose requirements for such practice are equivalent to the requirements of this state therefor. Licenses shall be in such form as the Board shall by rule prescribe, shall specify the name, residence and business location of the licensee and state that he is authorized to practice massage in the State of Minnesota; licenses shall bear the date of issuance and the date of expiration thereof and shall be signed by the President and Secretary-Treasurer of the Board and bear its official seal. All licenses shall expire on May 31st next and after the issuance thereof unless sooner revoked as herein provided. (Act Apr. 24, 1929, c. 347, §4.)

§5784-17. Qualifications of applicants.—

Any person of good moral character who is 21 years of age or over and has completed a course of study in an accredited high school or who has completed the equivalent of such course of study to the satisfaction of the Board, and in addition to these requirements has received a diploma or certificate of graduation from an accredited school of massage or in lieu of such diploma or certificate, has received credits in the subjects of anatomy, physiology, dermatology, histology and massage from an accredited educational institution, shall be eligible for examination under the provisions of this act, otherwise he shall be ineligible therefor; and if upon such examination he shall have a general average of not less than 75% in the subjects in which he is examined and not less than 60% in any one of such subjects, he shall be qualified for a license hereunder, otherwise he shall be unqualified therefor. (Act Apr. 24, 1929, c. 347, §5.)

§5784-18. Board may employ assistants.—

The Board shall employ an expert assistant or assistants who shall serve at and during the pleasure of the Board, to assist in conducting examinations herein provided for under the Board's supervision and direction. Such expert assistant or assistants shall be citizens and residents of this state; provided further, that at least one of such expert assistants shall be skilled in the art and science of massage, who shall be duly licensed to practice massage in this state, and who shall have practiced massage therein for at least two years immediately preceding his employment. Such examinations shall be in the English language and shall be written, oral and/or practical as the Board may determine and shall embrace the subjects of anatomy, physiology, dermatology, histology and massage but shall be so limited in scope as to include only the minimum requirements for massage education as herein provided and shall not require education in medicine or surgery. Such examination shall be held on the third Wednesday in each of the months of January, April, June and October of each year, at the seat of government and at such

other times and places as the Board may determine. (Act Apr. 24, 1929, c. 347, §6.)

§5784-19. Re-examinations.— Any person refused a license for failure to pass an examination to the satisfaction of the Board shall be entitled to a re-examination at any time within six months after such refusal upon payment to the Board of an additional fee of \$5.00; provided that nothing in this act shall prevent any person from filing a new application at any time after one year from the date of his last application. (Act Apr. 24, 1929, c. 347, §7.)

§5784-20. Licenses must be recorded.—

Every person holding a license to practice massage under this act, shall, before commencing such practice in any county of this state, have such license recorded in the office of the Clerk of the District Court of such county and such Clerk shall in each case write or stamp thereon the date of such recording. The Clerk of the District Court shall keep in a book provided for such purpose by the county and open to the public inspection, a complete list of such licenses recorded by him and his predecessors in office, including the date of the issuance thereof, the name of the licensee therein specified and the date of the recording thereof. For each such recording the Clerk of the District Court shall receive from the person named in the license a fee of \$1.00. After such recording the license shall be conspicuously displayed by the holder thereof in the office or place where he pursues the practice of massage. (Act Apr. 24, 1929, c. 347, §8.)

§5784-21. Board may suspend or revoke licenses.—Cause.—

The Board may by order suspend, revoke or refuse to renew any license issued hereunder or heretofore and cause the cancellation and removal thereof from the records in the office of the Clerk of the District Court wherein the same is recorded upon the ground of: (a) fraud or deception in connection with the securing of such license; (b) habitual drunkenness or intemperance in the use of narcotics or stimulants; (c) conduct unbecoming to a person licensed to practice massage or inimical to the best interests of the public; (d) violation of any of the provisions of this act; (e) conviction of a crime involving moral turpitude; provided that before the Board shall order any such suspension, revocation or refusal to renew as herein provided for the holder thereof shall be entitled to a written statement of the charge against him and shall be accorded a hearing in person or by attorney before the Board, and be entitled to have witnesses in his behalf subpoenaed by the Board. In case of suspension or revocation of, or refusal to renew a license, the order of suspension or revocation or refusal to renew, as the case may be, shall forthwith be filed by the Board with the Clerk of the District Court of the county wherein such license is recorded and the clerk shall note such suspension, revocation or refusal to renew, on his record of such license. No license shall be issued to any person whose license has been revoked, nor to any person whose license the Board has refused to renew hereunder, until after the

expiration of one year from the date of such revocation or refusal to renew; provided that any such person shall pay to the secretary-treasurer of the Board, the sum of \$25.00 upon issuance of a new license. (Act Apr. 24, 1929, c. 347, §9.)

§5784-22. Powers and duties of board.—The Board shall have the power to provide for its offices and necessary furniture, fixtures and supplies and to appoint and employ, and at will to remove or discharge, such officers, agents, assistants, clerks and other employees as the Board may deem necessary for the performance of its duties and to fix their salaries and define their duties; and to prescribe rules and regulations for its own government and procedure; and to hold hearings in relation to any matter properly within its jurisdiction and prescribe rules and regulations for the conduct thereof, issue subpoenas for and compel the attendance of witnesses and the giving of testimony and the production of books, records, accounts, documents and papers; and any member of the Board may administer oath to witnesses or take their affirmation. If any person shall fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or to produce any books, records, accounts, documents or papers material in the matter heard or to be heard by the Board, after having been lawfully required by order or subpoena of the Board so to do, any judge of the District Court in any county of the State, on application of the Board, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court. (Act Apr. 24, 1929, c. 347, §10.)

The "officers, agents, assistants, clerks and other employees" mentioned in this section are, with respect to compensation, within the control of the board of medical examiners within the limitation prescribed by §13 of this act, but the secretary and assistant secretary are controlled by the reorganization act (Mason's Statutes §53-7), and compensation may be increased or diminished by the commission of administration and finance. Op. Atty. Gen., Oct. 16, 1929.

§5784-23. Duties of secretary-treasurer.—The secretary-treasurer of the Board shall keep a record of all proceedings of the Board and a register of all applicants for examination, setting forth the name of such applicants, together with their addresses, ages, educational qualifications and the results of their examinations; he shall perform such other duties as may be required by law or by the Board. Such records and registers of the Board shall at all times be open to public inspection, and shall be prima facie evidence in all courts and legal proceedings within the State of matters therein recorded. (Act Apr. 24, 1929, c. 347, §11.)

§5784-24. Compensation.—The compensation of each member of the Board shall be \$10.00 for each day actually spent in the performance of his duties together with actual necessary expenses paid or incurred by him in connection therewith. The compensation of persons employed by the Board shall be determined by the Board and in addition thereto their expenses necessarily paid or incurred in the performance of their duties in

connection therewith, subject however, to the approval of the Board. (Act Apr. 24, 1929, c. 347, §12.)

§5784-25. Fees to be paid of secretary-treasurer.—**Bond.**—All fees and moneys payable under the provisions of this act shall be paid to the secretary-treasurer of the Board and he shall forthwith deposit the same with the state treasurer to be kept by him in a separate fund, which shall be under the control and for the use of the Board in the administration of this act. And the amount of such fund is hereby annually appropriated to said Board for the purpose of defraying its expenses in carrying out the provisions of this act. The compensation and expenses of members of the Board, herein provided for, and the compensation and expenses of all persons employed by the Board hereunder, shall be paid out of said fund; in addition such fund shall be available to and may be used by the Board to defray the expenses of keeping proper records and registers, furnishing licenses herein provided for, employing an inspector or inspectors for procuring evidence of any violation of this act, and aiding in the enforcement thereof, and for such other expenses and purposes as may be deemed necessary by the Board to carry out the purposes of this act; provided however, that the expenditures of the Board, together with the obligations created or incurred thereby, shall at no time exceed the amount of the fund in the treasury available hereunder for the use of the Board. Payments out of said fund shall be made only upon written orders issued and signed by the secretary-treasurer of the Board. Said secretary-treasurer shall give bond to the state in such sum as the Board shall determine, with sureties approved by the Board, conditioned upon the faithful performance by him of the duties of his office and his accounting for all moneys of the Board in his custody or under his control as such secretary-treasurer. (Act Apr. 24, 1929, c. 347, §13.)

Compensation of "officers, agents, assistants, clerks and other employees" mentioned in §10 are to be determined by the board of medical examiners within the limitation of this section. Op. Atty. Gen., Oct. 16, 1929.

§5784-26. Not to use titles.—No person licensed to practice massage under the provisions of this act shall attach to his name or in any way use the title of doctor, physician, surgeon, specialist, M.D., M.B., D.O., D.C., or any other word, abbreviation or title indicating or designed to indicate that he is engaged in the practice of healing as defined in Chapter 149, General Laws of 1927 [§§5705-1 to 5705-23], or any practice whatsoever other than massage, unless he is duly licensed for such practice within this state according to law. No person licensed under the provisions of this act to practice massage shall in, by or through any newspaper, magazine, directory, pamphlet, poster, card, circular, or other writing or publication or by any advertisement whatsoever, state or represent either directly or indirectly that he has cured, can cure, or guarantees to cure, or that he has successfully treated any disease, injury, defect, deformity, ailment or affliction whatsoever. (Act Apr. 24, 1929, c. 347, §14.)

§5784-27. Law not applicable.—Chapter 149, General Laws of 1927 [§§5705-1 to 5705-23], shall not apply to persons licensed under this act so long as such persons confine their activities within the scope of such license. (Act Apr. 24, 1929, c. 347, §15.)

§5784-28. Prosecutions.—In the prosecution of any person for violation of this act, it shall not be necessary to allege or prove want of a valid license to practice massage, as required by this act, but all such matters shall be matters of defense to be established by the accused. (Act Apr. 24, 1929, c. 347, §16.)

§5784-29. Violation a misdemeanor.—Any person not hereinbefore excepted from the provisions of this act who shall engage or attempt to engage in the practice of massage, as in this act defined, or hold himself out as being engaged therein, in violation of this act, without a valid existing license to practice massage issued to him pursuant to the provisions of this act, shall be guilty of a gross misdemeanor. (Act Apr. 24, 1929, c. 347, §17.)

§5784-30. Violation a misdemeanor.—Any person not hereinbefore excepted from the provisions of this act who shall engage or attempt to engage in the practice of massage as in this act defined or hold himself out as being engaged therein, without having recorded his license to practice massage in the manner herein provided, or without displaying his license to practice massage as herein provided, shall be guilty of a misdemeanor. (Act Apr. 24, 1929, c. 347, §18.)

§5784-31. Certain acts a gross misdemeanor.—Any person implicated in employing fraud or deception in applying for or securing a license to practice massage under this act, or in passing an examination therefor, shall be guilty of a gross misdemeanor. It shall be the duty of the Clerk of the District Court wherein any conviction is had under this section, to file a certified copy thereof with the secretary-treasurer of the Board and thereupon the secretary-treasurer of the Board shall cancel such license upon the records of his office and forthwith notify the respective clerks of the courts wherein such license is recorded, of such cancellation; and such clerks shall immediately note such cancellation on their respective records thereof. For filing a certified copy of any conviction as herein required, the clerk of the court shall charge a fee of One Dollar. (Act Apr. 24, 1929, c. 347, §19.)

§5784-32. Provisions severable.—The various provisions of this act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provision hereof. (Act Apr. 24, 1929, c. 347, §20.)

§5784-33. Law repealed.—Chapter 69, General Laws of 1927 [§§5784-1 to 5784-12], is hereby repealed and all moneys, property and property rights under the control of the State Board of Massage Examiners created thereby are hereby transferred, and appropriated to

the control and use of the Board hereunder. (Act Apr. 24, 1929, c. 347, §21.)

OPTOMETRISTS

§5785. State board of optometry.—Terms.—The state board of optometry shall consist of five qualified optometrists appointed by the governor, each for a term of three years, or such part thereof as will provide for the expiration of the terms of two members January 1st, 1930; two members January 1st, 1931, and one member January 1st, 1932, and until their successors qualify. Vacancies in such boards shall be filled by like appointments for unexpired terms. (As amended Apr. 27, 1929, c. 420, §1.)

§5786. Powers of Board.—Said board of optometry shall have the power to make any rules and regulations and to do any and all things, not inconsistent with law, which it may deem necessary or expedient for the effective enforcement of this act or for the full and efficient performance of its duties thereunder. (As amended Apr. 27, 1929, c. 420, §2.)

§5788. Same—Compensation and expenses—etc.

The board has authority to employ a secretary or investigator who may make recommendations to the board for the citation of persons violating the act, but without power in himself to initiate a proceeding. Op. Att. Gen., April 7, 1930.

§5789. Who are optometrists.—Any person shall be deemed to be practicing optometry within the meaning of this act who shall display a sign, such as an eye, a pair of eyes, a pair of glasses or spectacles, or who shall in any way advertise himself as an optometrist, or who shall employ any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof, or have in his possession testing appliances for the purpose of the measurement of the powers of vision, or diagnose any optical deficiency or deformity, visual or muscular anomaly of the human eye, or prescribe lenses, prisms or ocular exercises for the correction or the relief of same, or who holds himself out as being able to do so. It shall be unlawful for any person who is not licensed as an optometrist in this state to fit, sell or dispose of or to take, receive or solicit any order for the fitting, sale or disposition of any spectacles, eye glasses, or lenses for the correction of vision in any place within this state other than an established place of business wherein such spectacles, eye glasses or lenses are commonly sold and dealt in; and it shall be unlawful for any person, not licensed as an optometrist hereunder, to sell or dispose of, at retail, any spectacles, eye glasses or lenses for the correction of vision in any established place of business or elsewhere in this state except under the supervision, direction and authority of a duly licensed optometrist holding a certificate under this Chapter, who shall be in charge of and in personal attendance at the booth, counter or place where such articles are sold or disposed of. Nothing in this act shall be construed to apply to the sale of toy glasses, goggles consisting of plano-white or plano-

colored lenses or ordinary colored glasses or to the replacement by duplication of broken lenses, nor to sales upon prescription from persons legally authorized by the laws of this state to examine eyes and prescribe glasses therefor, nor shall it apply to regularly licensed physicians and surgeons. It shall be unlawful for any person to engage in the practice of optometry without first procuring and filing for record a certificate of registration as a licensed optometrist pursuant to this subdivision. (As amended Apr. 27, 1929, c. 420, §3.)

§5790. Who may practice optometry.—The persons entitled to practice optometry in Minnesota who are not already registered shall be: Every person of a full age of 21 years who furnishes the board with satisfactory evidence of:

(a) His age and moral character.

(b) That he has graduated from an accredited high school or its equivalent, and that he possesses the knowledge essential to the practice of optometry.

(c) That he shall be a graduate of an optometric school or college approved by this board, requiring an attendance of not less than two years' course. Such school shall give a course of instruction covering and including the following minimum requirement, to-wit:

| | | |
|-------------------------------|-----|-------|
| Ocular Anatomy | 125 | hours |
| Ocular Pathology | 125 | hours |
| General anatomy | 150 | hours |
| General physiology | 100 | hours |
| General mathematics | 150 | hours |
| General physics | 100 | hours |
| General Optics | 100 | hours |
| Theoretical optics | 300 | hours |
| Practical optics | 100 | hours |
| Theoretical optometry | 250 | hours |
| Practical optometry | 200 | hours |
| Hygiene | 50 | hours |
| Psychology | 50 | hours |
| Optical laboratory work | 100 | hours |
| Clinical work | 100 | hours |

In the course of study herein outlined, the hours required shall be actual work in the class room, laboratory or clinic, and at least eighty per cent of actual attendance shall be required and said course of study herein outlined shall be so arranged as to require two years of actual attendance at said school for its completion.

(d) Having passed satisfactorily an examination by the board as to his qualifications for the practice of optometry, upon the completion of which, he shall receive from said board a licensed certificate entitling him to practice. Any person desiring to be examined by said board must fill out and swear to an application furnished by the board and must file the same with the secretary of the board at least two weeks prior to the holding of an examination, which the applicant is desirous of taking. The applicant shall pay to the board a fee of twenty dollars (\$20.00) before examination and five dollars (\$5.00) upon issuance of certificate. In the event of failure on the part of a candidate to pass the first examination, he may, within fifteen months, have another trial; upon the

payment of five dollars (\$5.00) additional. Any applicant may be registered and given a certificate of registration if he shall present a certified copy of certificate of registration, or license which has been issued to said applicant by any other state, where the requirements for registration shall be deemed by said board to be equivalent to those of this act; provided that such state shall accord like privileges to holders of certificates of said board. The fee for registering such applicants shall be fifteen dollars (\$15.00).

The board upon hearing of which the accused shall have ten days notice in writing may revoke the certificates or suspend the right to practice of any person who has been convicted of any violation of this act or of any other criminal offense or who is found by the board to be grossly incompetent, afflicted with contagious disease, a habitual drunkard, or, guilty of unprofessional conduct. "Unprofessional Conduct" shall be defined to mean any conduct of a character likely to deceive or defraud the public, including among other things price advertising, and free examination advertising, the loaning of his license or certificate by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; "splitting" or dividing a fee with any person or persons; the obtaining of any fee or compensation by fraud or misrepresentation; employing either directly or indirectly any suspended or unlicensed optometrist, to perform any work covered by this act; the advertising by any means whatsoever, of optometric practice or treatment or advice in which untruthful, improbable, misleading or impossible statements are made. After one year, upon application, and proof, that the disqualification has ceased, the board may reinstate such person.

(e) Every registered optometrist who shall temporarily practice optometry outside or away from his regular registered place of business shall display his registered certificate and shall deliver to each customer or person there fitted or supplied with glasses a receipt or record which shall contain his signature and show his permanent registered place of business or post office address, and number of his certificate, together with the amount charged therefor, but nothing contained in this subdivision shall be construed as to permit peddling or canvassing by licensed optometrists. (As amended Apr. 27, 1929, c. 420, §4.)

Under this section as amended by Laws 1929, c. 420, §4, a formal complaint to the board is not necessary to the institution of a hearing on charges against a violator. Op. Atty. Gen., April 7, 1930.

§5796. Laws repealed.—All acts and parts of acts so far as inconsistent herewith, are hereby repealed. (As amended Apr. 27, 1929, c. 420, §5.)

§5796-2. Effective Sept. 1, 1929.—This act shall take effect September 1st, 1929. (Laws 1925, c. 239, §14, added Apr. 27, 1929, c. 420, §6.)

PHARMACISTS

§5800. Examination for pharmacists.—To be entitled to examination by the board as a

pharmacist, the applicant shall be at least 21 years old and shall be a graduate of a college or school of pharmacy recognized and approved by, or a member of, the American Association of Colleges of Pharmacy, and shall have had at least one year of practical experience in drug stores where physician's prescriptions are usually compounded.

Provided that, any person, actually employed in a drug store prior to April 23, 1919, who, within one year from the passage of this act, shall file with the board a sworn statement of proof of that fact, or who prior to that date was registered by said board as an assistant pharmacist shall be exempt from the requirements of attendance at a college or school of pharmacy, but shall be entitled, if of the required age, to examination upon the completion of four years experience, as the same is herein defined, provided, further; that, one year of college work, as herein defined shall be equivalent to one year of experience. If upon examination the board finds him qualified, he shall be entitled to registration as such pharmacist.

Provided further that any person who at the date of the passage of this act is a licensed assistant pharmacist and who was actually employed in a drug store prior to April 23, 1919, and who prior to the passage hereof has duly applied for a license as a pharmacist, shall be entitled, at any time within one year from the passage of this act upon payment of a fee of \$25.00, to registration as a pharmacist upon passing a satisfactory examination, \$15.00 of the license fee to be refunded to the applicant upon failure to pass such examination. (As amended by Laws 1929, c. 93, which is amended Apr. 4, 1931, c. 116, §1.)

See §5801-1.

§5801. Qualification of applicants.

See §5801-1.

§5801-1. Assistant pharmacists can not register.—After January 1st, 1930, there shall be no examinations for registration; or registration of any person as an assistant pharmacist. It shall be lawful for all persons duly registered as assistant pharmacists prior to said date to continue to act as such. (Act Mar. 28, 1929, c. 103, §1.)

Sec. 2 of the act repeals inconsistent acts.

§5804. Annual fees.—Every person registered by the board, while continuing in business, shall annually pay to the secretary a renewal fee, to be fixed by the board, and not to exceed five dollars for a pharmacist and three dollars for an assistant. A person who has once been registered and has defaulted in the payment of fees may be reinstated within two years of such default, without examination, upon payment of arrears. Every certificate and renewal shall expire at a time therein prescribed, not later than one year from its date. (As amended Mar. 27, 1929, c. 94.)

§5805. Definition of drugs.

172M132, 214NW766; note under §5814.

§5806. Wrongful labeling.

Drug company was negligent in sending bar-

rel of raw linseed oil in response to an order for cod liver oil, and druggist was negligent in selling it to poultryman as cod liver oil. 177M 390, 225NW395.

§5814. Offenses—Penalties.

Section is constitutional exercise of the police power. 172M132, 214NW766.

"Aspirin" is a drug or medicine and not a proprietary or patent medicine. 172M132, 214NW 766.

Title of Laws 1925, chap. 339, is not defective. 173M322, 217NW342.

Registered pharmacist does not violate this section by leaving clerk in store selling other goods than drugs while he is out to his lunch and can be called by the clerk to attend within a few minutes. 173M322, 217NW342.

EMBALMERS

§5818. Examination by state board of health—Grant of license.

The granting or refusing of a license must be the formal act of the board. It cannot delegate its duties to a committee or officer. Op. Atty. Gen., Sept. 4, 1929.

BARBERS

§§5823 to 5846. [Repealed].

See §5846-26 herein.

§5846-1. Barbers must be registered.—After July 1, 1927, no person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act, by the Board of Barber Examiners hereinafter established.

After July 1, 1927, no person shall serve or attempt to serve as an apprentice under a registered barber until he has filed notice with the board of his intention of becoming an apprentice under a registered barber.

After July 1, 1927, it shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber. (As amended Apr. 20, 1929, c. 270, §1.)

§5846-2. What constitutes barbering.—Any one or any combination of the following practices when done upon the head and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally constitutes the practice of barbering.

To shave, trim the beard, cut or bob the hair of any person of either sex for compensation or other reward, received by the person performing such service or any other person, shall be construed as practicing the occupation of barbering within the meaning of this act:

Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;

Singeing, shampooing the hair or applying hair tonics;

Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck. (As amended Apr. 20, 1929, c. 270, §2.)

§5846-3. Apprentices may be employed.—No registered apprentice may independently practice barbering, but he may as an apprentice do any or all of the acts constituting the practice of barbering, under the immediate personal supervision of a registered barber, and only one such apprentice shall be employed in any barber shop. (As amended

Apr. 20, 1929, c. 270, §3.)

§5846-4. Exceptions.—The following persons are exempt from the provisions of this act while in the proper discharge of their professional duties:

1. Persons authorized by the law of this state to practice medicine, surgery, osteopathy, chiropractic and massage;
2. Commissioned medical or surgical officers of the United States Army, Navy, or Marine Hospital Service;
3. Registered nurses;
4. Persons practicing beauty culture.

However, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard or cut the hair of any person for cosmetic purposes. (As amended Apr. 20, 1929, c. 270, §4.)

§5846-5. Who may receive certificates.—A person is qualified to receive a certificate of registration to practice barbering;

1. Who is qualified under the provisions of Section 6 of this act;
2. Who is at least 18 years of age;
3. Who is of good moral character and temperate habits and free from any contagious or infectious disease;
4. Who has practised as a registered apprentice for a period of 18 months under the immediate personal supervision of a registered barber; and
5. Who has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, must continue to practice as an apprentice for an additional six months before he is again entitled to take the examination for a registered barber. (As amended Apr. 20, 1929, c. 270, §5.)

§5846-6. Who may receive certificates of registered apprentice.—A person is qualified to receive a certificate of registration as a registered apprentice:

1. Who has completed at least six grades of a grammar school education or who has had the equivalent thereto; and
2. Who is of good moral character and temperate habits and free from any contagious or infectious disease;
3. Who has graduated from a school of barbering approved by the board or who has studied the practice and occupation of barbering for one year under a qualified registered barber who is actively engaged in such practice; and
4. Who has passed a satisfactory examination conducted by the board to determine

his fitness to practice as a registered apprentice; and

5. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than five hundred hours, to be completed in three months, of not more than eight hours in any one working day, in a school of barbering approved by the board, or in the event he has taken his training under a qualified registered barber, as provided in Section 3 [§5846-3] hereof, he shall be required to take a further course of study for three months under a qualified registered barber. (As amended Apr. 20, 1929, c. 270, §6.)

§5846-7. Qualifications of barber school students.—No school of barbering shall be approved by the board unless it requires as a pre-requisite to admission thereto, graduation from the sixth grade of a grammar school or its equivalent as determined by an examination conducted by the board, and unless it requires as pre-requisite to graduation a course of instruction of not less than 1,000 hours to be completed within six months of not more than eight hours in any one working day; such course of instruction to include the following subjects:—Scientific fundamentals for barbering, hygiene, practical study of the hair, skin, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands, massaging and manipulating the muscles of the face and neck, hair cutting, shaving and trimming the beard.

Provided, further, that it shall be permissible for barber schools and barber colleges teaching the occupation of barbering to make a reasonable charge for materials used and services rendered by students for work done in such schools or colleges by students and there shall be one instructor to every fifteen students or minor fraction in excess thereof. Barber colleges and schools shall open at 8 A. M. and close at 6 P. M., except on days preceding holidays when the hours shall be 8 A. M. and 6:30 P. M.

All barber schools or colleges shall each respectively be conducted and operated in one building, or in connecting buildings, and no barber school or college shall have any department or branch in a building completely separated or removed from the remainder of such barber school or college.

Any person may own and operate a barber college who has had ten years' continuous experience as a barber, providing such person shall first secure from the board a permit to do so, and shall keep the same prominently displayed, and shall before commencing business file with the secretary of state a bond to the state, approved by the attorney general, in the sum of \$1,000, conditioned upon the faithful compliance of said barber school with all the provisions herein, and to pay all judgments that may be obtained against said school or the owners thereof on account of fraud, misrepresentation or deceit practiced by them or their agents; provided, further, that all barber schools or colleges shall keep prominently displayed a substantial sign as

barber school or college. Provided, further, that all barber schools upon receiving students shall immediately apply to said board for student permits upon blanks for said purpose furnished by the board.

(a) Every applicant for a student permit shall accompany his application with a fee of one dollar. (As amended Apr. 20, 1929, c. 270, §7.)

§5846-8. Application—Fee.—Each applicant for an examination shall:

1. Make application to the board on blank forms prepared and furnished by the board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant;

2. Furnish to the board two 5"x3" signed photographs of the applicant, one to accompany the application and one to be returned to the applicant, to be presented to the board when the applicant appears for examination;

3. Pay to the board the required fee. (As amended Apr. 20, 1929, c. 270, §8.)

§5846-9. Examinations.—The board shall conduct examinations of applicants for certificates of registration to practice as registered barbers not less than four times each year, at such time and place as the board may determine, and of applicants for certificates of registration to practice as registered apprentices every 30 days.

The examination of applicants for certificates of registration as registered barbers and registered apprentices shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the board. (As amended Apr. 20, 1929, c. 270, §9.)

§5846-10. Certificates of registration.—Whenever the provisions of this act have been complied with, the board shall issue a certificate of registration as a registered barber or as a registered apprentice. (As amended Apr. 20, 1929, c. 270, §10.)

§5846-11. Permits to practice.—A person who is at least 18 years of age and of good moral character and temperate habits, and either

1. Has a license or certificate of registration as a practicing barber from another state or country, which has substantially the same requirements for licensing or registering barbers as required by this act, or

2. Who can prove by sworn affidavits that he has practiced as a barber in another state or country for at least five years immediately prior to making application in this state, shall upon payment of the required fee be issued a permit to practice as a journeyman barber only until he is called by the board for examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the required examination, he will be allowed to practice as a journeyman barber until he is called by the board for the next term of examinations. Should he fail at the third examination, he must cease to practice barbering in this state. (As amended Apr. 20, 1929, c. 270, §11.)

§5846-12. Same.

1. A person who is of good moral character and temperate habits, and

2. Has a certificate of registration as an apprentice in a state or country which has substantially the same requirements for registration as an apprentice as is provided by this act shall upon payment of the required fee be issued a permit to work as an apprentice until called by the board for examinations to determine his fitness to receive a certificate of registration as an apprentice. Being able to pass the required examination he will be issued a certificate of registration as a registered apprentice. (As amended Apr. 20, 1929, c. 270, §12.)

§5846-13. Barbers license under present law to continue practice without examination.—Every barber in this state holding a certificate of registration as such, and every apprentice in this state holding a permit or certificate to practice as such, issued pursuant to the provisions of any statute repealed by this act, at the time of the taking effect of this act shall have the right to continue to practice as a registered barber or apprentice, as the case may be, until December 31, 1927, without the payment of any fees or any other act and shall thereafter have the right to be registered and practice as such barber or apprentice upon payment of the registration fee or fees required by this act. (As amended Apr. 20, 1929, c. 270, §13.)

§5846-14. Certificates to be displayed.—Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair. (As amended Apr. 20, 1929, c. 270, §14.)

§5846-15. Certificates must be renewed annually.—All registered barbers and registered apprentices who continue in active practice or service shall on or before December 31, 1927, and thereafter annually, on or before December 31st of each year, renew their certificates of registration for the following year and pay the required fee. Every certificate of registration which has not been renewed during the month of December in any year shall expire on the 31st day of December in that year. All registered barbers who have failed to renew their licenses for a period of not to exceed five years may renew their certificates of registration upon payment of the required restoration fee. (As amended Apr. 20, 1929, c. 270, §15.)

§5846-16. Causes for revocation.—The board may either refuse to issue or renew, or may suspend or revoke any certificate of registration for any one or combination of the following causes:

(a.) Gross malpractice or gross incompetency.

(b.) Continued practice by a person having an infectious or contagious disease.

(c.) Advertising by means of knowingly false or deceptive statements.

(d.) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

(e) Immoral or unprofessional conduct.

(f) The commission of any of the offenses described in sub-division C, D, E, F, G, or H of Section 19 hereof.

(g) The failure to practice for the period of five years prior to the date of application for issuance of renewal of license, or prior to such suspension or revocation of license.

(h) Violation of so-called Sunday closing laws, being Sections 10234 to 10236, both inclusive, of General Statutes of Minnesota, 1923. (As amended Apr. 20, 1929, c. 270, §16.)

Violation of 18th Amendment constitutes moral turpitude warranting refusal of renewal. Op. Atty. Gen., May 21, 1929.

§5846-17. Board must give notice in writing.—The board may neither refuse to issue or refuse to renew, nor suspend, or revoke any certificate of registration, however, for any of these causes unless the person accused has been given at least five days' notice in writing of the charge against him and a public hearing by the board.

Upon the hearing of any such proceeding, the board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers. (As amended Apr. 20, 1929, c. 270, §17.)

§5846-18. Fees.—The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering shall be \$10.

The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is \$2.00.

The fee to be paid for the renewal of a certificate of registration to practice barbering is \$2.00, and for the restoration of an expired certificate, \$5.00.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$1.50, and for the restoration of an expired certificate, \$3.00.

The fees for examinations and certificates as required in this act shall be paid in advance to the secretary of the board of examiners and shall be deposited by him in the state treasury to be disbursed by the secretary on the order of the chairman in payment of expenses lawfully incurred by the board. (As amended Apr. 20, 1929, c. 270, §18.)

§5846-19. Violations a misdemeanor.—Each of the following constitutes a misdemeanor:

(a) The violation of any of the provisions of Section 1 of this act.

(b) Permitting any person in one's employ, supervision or control to practice as an apprentice unless that person has a certificate of registration as a registered apprentice.

(c) Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentation.

(d) Practicing or attempting to practice by fraudulent misrepresentations.

(e) The wilful failure to display a cer-

tificate of registration as required by Section 14, and

(f) The use of any room or place for barbering which is also used for residential or business purposes (except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, candies in original package and such commodities as are used and sold in barber shops), unless a substantial partition of ceiling height separates the portion used for residential or business purposes, except that a barber shop and beauty parlor may be operated in conjunction, without the same being separated by a partition of ceiling height and except that the provisions of this subdivision shall not apply to barbers or barber shops in any village or borough or unincorporated community having less than 150 inhabitants where the governing body thereof shall under local ordinance have granted a permit for the operation of a barber shop in a particular location.

(g) The failure or refusal by any barber or other person in charge of any barber shop or any person in barber schools or colleges doing barber service work, to use separate and clean towels for each customer or patron, or to discard and launder each towel after once being used.

(h) The failure or refusal by any barber or other person in charge of any barber shop or barber school or barber college to supply clean hot and cold water, in such quantities as may be necessary to conduct such shop, or the barbering service of such school or college in a sanitary manner, or the failure or refusal of any such person to have water and sewer connections from such shop, or barber school or college with municipal water and sewer systems where the latter are available for use, or the failure or refusal of any such person to maintain a receptacle for hot water of a capacity of less than five (5) gallons. (As amended Apr. 20, 1929, c. 270, §19, and Apr. 26, 1929, c. 386, §1.)

§5846-19½. To have receptacles for towels.—In each barber shop there shall be provided a receptacle or receptacles for soiled towels. Each barber shall, immediately after the completion of the service to the customer, place the towel or towels used on said customer in said receptacle and no towel shall be withdrawn from said receptacle and used on any customer until the towel has been laundered. A violation of any provision of this section shall be a misdemeanor. (Act Apr. 20, 1929; c. 270, §20.)

§5846-20. Perjury.—The wilful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of this act is perjury and punishable as such. (As amended Apr. 20, 1929, c. 270, §21.)

§5846-21. Board of Barbers Examiners created—Terms.—A board, to be known as the Board of Barber Examiners, is established, to consist of three members appointed by the governor. Each member shall be a practical barber who has followed the occupation of a barber in this state for at least five years immediately prior to his appointment. Each member shall furthermore be a

graduate from the eighth grade of a grammar school or have an equivalent education, and must have knowledge of the matters to be taught in approved schools of barbering as set forth in Section 7 hereof, and shall be qualified and competent to pass upon all matters likely to come before said board. One of said members shall be a member or recommended by a union of journeymen barbers which shall have existed at least two years, and one of said members shall be a member of or recommended by the Master Barbers Association of Minnesota.

The members of the first board appointed shall serve for three years, two years and one year, respectively, as appointed, and members appointed thereafter shall serve for three years. The governor may remove a member for cause.

Members appointed to fill vacancies caused by death, resignation or removal shall serve during the unexpired term of their predecessors. Provided, that the present members of the board of barber examiners shall remain in office until the completion of their respective terms. (As amended Apr. 20, 1929, c. 270, §22.)

§5846-22. Officers.—Compensation.—The board shall elect a chairman and secretary. It shall adopt and use a common seal for the authentication of its orders and records.

The secretary shall keep a record of all proceedings of the board and shall turn over to the treasurer of the state, all moneys collected, at least once a month.

Each member of said board shall give a bond in the sum of \$5,000 with sureties to be approved by the secretary of state, conditioned for the faithful performance of his duties, and shall take the oath provided by law for public officers.

A majority of the board, in meeting duly assembled, may perform and exercise all the duties and powers devolving upon the board.

The secretary of the board shall receive as compensation \$3,000 per annum, and the other members of the board shall receive a compensation of \$10 per day for each of actual service in the discharge of their duties as such, and in addition thereto, all members of the board, including the secretary, shall be reimbursed and receive their necessary traveling expenses incurred in the discharge of their duties, both salaries and expenses to be paid only and from out of the fund created by fees collected in the administration of this act. Each member of the board shall file monthly with the secretary of said board, a complete report showing his activities during the preceding month, and stating in detail the places, shops, schools, or colleges visited or inspected by such board member. The board shall report annually to the governor, a full statement of the receipts and disbursements of said board, and also a full statement of its doings and proceedings during the year, with such recommendations as it may deem expedient.

The board shall have authority to employ such inspectors, clerks, deputies and other assistants as it may deem necessary to carry out the provisions of this act.

Any funds in the state treasury to the credit of the present board of barber examiners shall be transferred to and made available for use by the board established under the provisions of this act. (As amended Apr. 20, 1929, c. 270, §23.)

If a member of the board of barber examiners spends any part of the day in the discharge of his duties as such member, he is entitled to charge the full \$10. Op. Atty. Gen. June 29, 1931.

A member of the board should not be permitted to charge a per diem while attending a national convention of barbers. Op. Atty. Gen. June 29, 1931.

§5846-23. Board to make rules and regulations.—The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this act and prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the state board of health. Any member of the board or its agents or assistants shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the board shall be furnished by the board to the owner or manager of each barber shop and barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber and registered apprentice and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times. (As amended Apr. 20, 1929, c. 270, §24.)

§5846-24. Not to serve certain persons.—No person practicing the occupation of a barber in any barber shop, barber school or college in this state shall knowingly serve a person afflicted in a dangerous or infectious state of the disease with erysipelas, eczema, impetigo, syphilis, tuberculosis, or any other contagious or infectious disease. Any person so afflicted is hereby prohibited from being served in any barber shop, barber school or college in this state. Any violation of this section will be considered a misdemeanor as provided for in this act. (As amended Apr. 20, 1929, c. 270, §25.)

§5846-25. Provisions severable.—If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of the act which can be given effect without the invalid portion. (As amended Apr. 20, 1929, c. 270, §26.)

§5846-26. Laws repealed.—Session Laws 1921, Chapter 424, Session Laws 1925, Chapter 252, and Sections 5823 to 5846, both inclusive, of General Statutes of Minnesota, 1923, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed. (As amended Apr. 20, 1929, c. 270, §27.)

HAIR DRESSERS AND BEAUTY CULTURISTS

§5846-41. Display of license—Renewal licenses.

Board cannot extend time for renewal of license. Op. Atty. Gen., Jan. 14, 1929.

HORSESHOERS

§§5852 to 5854. [Repealed].

Repealed by Laws 1929, c. 60.

CHAPTER 36

Protection against Fire, and Regulation of Hotels and Restaurants

MOVING PICTURES

§5934. Style of seats.

Injury to patron from falling of disconnected seat. 181M109, 231NW716.

STATE FIRE MARSHAL

§5957. Power to summon and compel, etc.

Act of fire marshal in compelling person suspected of arson to testify under subpoena, held to violate the constitutional right of such person against self incrimination. 180M573, 231NW 217.

DRY CLEANING AND DRY DYEING BUILDINGS AND ESTABLISHMENTS

§6001. Use of gasoline engines forbidden in certain cases.—No gas or gasoline engine, steam generator or heating device nor any electrical dynamo or motor except such motors as have been approved as explosion-proof by the State Fire Marshal shall be located, maintained or used inside of nor within a distance of ten feet of any building used for the business of dry cleaning and dry dye-

ing as above defined except that an electrical motor may be placed within such ten feet, but without a solid fireproof wall.

Any dry cleaning or dry dyeing business located in any village or city of the fourth class may install and maintain two 2½-gallon fire extinguishers of anti-freezing liquid, to be approved by and installed as directed by the state fire marshal, in lieu of compliance with the provisions of Section 13 of this chapter providing for the extinguishment of fire in such business or establishment. (As amended by Laws 1929, c. 402, which is amended Apr. 20, 1931, c. 268.)

§6001-1. Must have fire extinguishers.—Any dry cleaning or dry dyeing business located in any village or city of the fourth class may install and maintain two 2½ gallon fire extinguishers of anti-freezing liquid to be approved by and installed as directed by the State Fire Marshall, in lieu of compliance with the provisions of this chapter providing for the prevention of fire in such business or establishment. (Act Apr. 26, 1929, c. 402, §2.)

CHAPTER 37-38

Agriculture and Rural Credits

RURAL CREDITS

§6034. Seal.—The Bureau shall provide itself with and keep a seal. The design of this seal shall be as follows: a circle within which shall appear the word "seal." Between the lower and upper halves of the circle properly divided shall appear the words "Department of Rural Credit, State of Minnesota." Every instrument or paper heretofore executed by said Department to which has been affixed a seal in either of said forms is hereby legalized and declared to have been duly executed. (As amended Apr. 27, 1929, c. 421, §1.)

§6038. Security for loans—Terms of loans—Purposes—Limitations—Rate of interest.—Said Bureau shall make loans upon the following terms and conditions:

* * * *

g. The amount of original loans to any one borrower shall never exceed the maximum sum of Fifteen Thousand Dollars nor

shall any loan be for a less sum than Five Hundred Dollars.

* * * *

1. Every borrower shall pay simple interests on defaulted payments at the rate of seven per cent per annum and by express covenant in his mortgage deed shall pay when due all taxes, liens, judgments, assessments and insurance, which may be lawfully assessed against the mortgaged land; and by such covenant shall agree to and shall keep insured against fire and the elements in any local or other insurance company authorized to do business in this state by the Insurance Department to the satisfaction of the Bureau all buildings, the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at the time of loss; and at the option of the Mortgagor and subject to the general regulations of the Bureau, sums so received may be used to pay for reconstruction of the buildings destroyed. Taxes, judgments, assessments and