

## CHAPTER 197

## VETERANS' REWARDS AND PRIVILEGES

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**197.01 FUNDS COLLECTED FROM UNITED STATES.** The adjutant general, the board, superintendent, commission or other administrative body in charge of any state insane hospital, the state sanatorium for consumptives, the Minnesota general hospital, or any state institution or in charge of any county hospital or sanatorium for consumptives, whether maintained by one county or by a group of counties in which any persons suffering from disability incurred in or connected with service in the military or naval forces of the United States in the world war are inmates or domiciled, for whose care and maintenance provision is made by the United States government, are hereby authorized and directed to collect from the United States veterans' bureau or other agency of the United States government authorized to pay for the care and support of such persons, the maximum amount allowed and that can be collected for the care, maintenance and treatment of any and all such ex-service persons.

[1923 c. 436 s. 1] (4599)

**197.02 FUNDS USED FOR CARE AND MAINTENANCE OF DISABLED SOLDIERS.** The adjutant general, the board, superintendent, commission, or other administrative body in charge of any such hospital, sanatorium or institution shall retain and pay into the funds of such institution for and on account of such ex-service persons for whose care, maintenance and treatment an allowance is collected, as provided in section 197.01, from the United States government or any agency of the United States government, out of the moneys so collected, only the average gross per capita cost of maintaining and supporting inmates in any such hospital, sanatorium or other institution and any special or extra expenditures or disbursements made for or in connection with the care and maintenance of such ex-service persons, and shall retain in a separate fund and shall pay to the adjutant general as hereinafter provided, for and on account of the state soldiers' welfare fund established in section 197.03, the excess of such amounts so collected over and above such gross per capita maintenance cost and disbursements and expenditures. The proper officer

of each of said institutions shall keep in a book prepared for that purpose a daily record of the ex-service persons actually residing there and domiciled in such institution, and shall make monthly reports thereof to the adjutant general.

The governing board, commission, or administrative head of any such institution shall, on or before the tenth day of every month, transmit to the adjutant general the excess of such amounts so collected over and above such gross per capita costs and disbursements and he shall pay into the state soldiers' welfare fund the sums so received from any such institution, and the excess of the sums collected by it as herein provided for from the United States government or any agency thereof, in excess over and above such gross per capita maintenance cost and disbursements.

[1923 c. 436 s. 2] (4600)

**197.03 STATE SOLDIERS' WELFARE FUND CREATED.** There is hereby created a state soldiers' welfare fund to aid and assist any citizen of Minnesota who served in the military or naval forces of the United States, in securing compensation, hospitalization, medical treatment, insurance or other relief or benefits to which he may be entitled from the United States or any other government or state and for the emergency relief, hospitalization, treatment and maintenance of all such persons who were bona fide residents of the state at the time their need arose and his dependents as hereinafter provided.

[1923 c. 436 s. 3; 1929 c. 327] (4601)

**197.04 COMPOSITION OF FUND.** The state soldiers' welfare fund shall consist of all sums paid to or received by the adjutant general under the provisions of sections 197.01 to 197.09 and of any and all moneys and properties that may be appropriated, donated, given, bequeathed or devised to the state soldiers' welfare fund or to the adjutant general for the benefit of the fund.

[1923 c. 436 s. 4; 1929 c. 327] (4602)

**197.05 ADJUTANT GENERAL TO EXPEND FUND.** The state soldiers' welfare fund shall be administered by the soldiers' welfare director under the direction of the adjutant general and shall be used to locate and investigate the facts as to any citizen of Minnesota who served in the military or naval forces of the United States and who is indigent or suffering from any disability whether acquired in such service or not; to assist any such person and his dependents as hereinafter provided in establishing and proving any just claim he may have against the United States government, or any other government or state for compensation, insurance, relief, or other benefits, and to provide emergency hospitalization, treatment, maintenance, and relief for any such person suffering from disability who was a bona fide resident of the state at the time his need arose and his dependents, as hereinafter provided, and to cooperate with other state, municipal, and county officials and civic or civilian agencies or organizations in carrying out the provisions of sections 197.01 to 197.09.

Such fund is hereby appropriated to be used in such manner as the soldiers' welfare director under direction of the adjutant general may determine for such purposes.

[1923 c. 436 s. 5; 1929 c. 327] (4603)

**197.06 SOLDIERS' WELFARE AGENT.** The adjutant general shall appoint a soldiers' welfare director to have charge of its activities hereunder, and it is hereby empowered to employ such assistants and to incur such other expense as may be necessary for the administration of said state soldiers' welfare fund and carrying out the provisions of sections 197.01 to 197.09; provided, that no expense shall be incurred under the provisions of sections 197.01 to 197.09 in excess of the moneys available to such state soldiers' welfare fund. The soldiers' welfare director may be appointed, by the probate court, guardian of the person or estate or both of any former service man or woman for whom or for whose estate or for both the appointment of a guardian is found by the court to be necessary, and when so appointed and qualified may act as such. Any compensation received by him for so acting shall be paid into and become a part of the state soldiers' welfare fund.

The duties and powers of the soldiers' welfare agent, in addition to those otherwise provided, shall be to:

- (1) Administer the state soldiers' welfare fund under direction of the adjutant general;
- (2) Cooperate with all national, state, county, municipal and private social agencies in securing to former soldiers and their dependents the benefits provided by

national, state, and county laws, municipal ordinances, or public and private social agencies;

(3) Establish and provide such assistance to a former soldier needing hospitalization but unable to accept it because the acceptance thereof would imperil his then employment, as would insure employment after hospitalization;

(4) Provide necessary assistance where other adequate aid is not available to the dependent family of a former soldier while such is being hospitalized and afterwards during such period as is necessary;

(5) Act as guardian for minors and incompetent persons receiving moneys from the United States government when no other suitable person will consent to act;

(6) Cooperate with United States government agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed therein, when exceptional conditions in an individual case make it necessary;

(7) Make and file with the adjutant general a quarterly report showing in detail his activities for the preceding quarter, and file receipts for all expenditures during such term.

(8) Perform all the present duties of the soldiers' welfare agent; and

(9) Establish and provide such employment, placement, and advisement service for disabled veterans as cannot be furnished by cooperation with other free public employment agencies.

[1923 c. 436 s. 6; 1925 c. 88; 1929 c. 327] (4604)

**197.07 SOLDIERS' WELFARE FUND DEPOSITED IN STATE TREASURY.** The soldiers' welfare fund shall be deposited in the state treasury and paid out only in such vouchers as may be authorized and approved by the adjutant general in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by said adjutant general.

[1923 c. 436 s. 7] (4605)

**197.09 EDUCATION OF CHILDREN OF SOLDIERS KILLED IN WORLD WAR; APPROPRIATION.** The sum appropriated under the provisions of Laws 1935, Chapter 350, shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children not under 16, and not over 22, years of age and who have for two years had their domicile in the state, of those who were killed in action or died from other causes during the World War, from April 6, 1917, to July 2, 1921, while serving in the army, navy or marine corps of the United States or as a result of such service, which children are attending or may attend any educational or training institution of a secondary or college grade located within the state and approved by the state board of education. These children shall be admitted to state institutions of secondary or college grade free of tuition.

[1935 c. 350 s. 1] (4397-21)

**197.10 MONEYS PAID TO EDUCATIONAL INSTITUTIONS.** The amounts that may be or may become due to any educational or training institution, not in excess of the amount specified in section 197.11, shall be payable to such institution from the fund hereby created on vouchers approved by the state soldiers' welfare director. The director shall determine the eligibility of the children who may make application for the benefits provided for in sections 197.09 to 197.11; satisfy himself of the attendance of such children at any such institution and of the accuracy of the charge or charges submitted to the director by the authorities of any such institution, on account of the attendance thereat of any such children.

[1935 c. 350 s. 2] (4397-22)

**197.11 APPROPRIATION.** The sum of \$4,000, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1936, and annually thereafter until 1942, for carrying out the provisions of sections 197.09 and 197.10; provided, that not more than \$200.00 shall be paid under these provisions for any one child for any one year.

[1935 c. 350 s. 3] (4397-23)

**197.12 UNEXPENDED BALANCES REAPPROPRIATED.** Any unexpended balance remaining at the end of any fiscal year shall be and remain available for expenditure until June 30, 1942, and thereupon all sums in the fund remaining unexpended shall revert to the state treasury.

[1935 c. 350 s. 4] (4397-24)

**197.13 LAND SECURED FOR RECREATION CAMPS FOR DISABLED SOLDIERS.** The adjutant general is hereby authorized and directed to secure by lease or purchase from the owners thereof land for the establishment of a recreation and recuperative camp for the use and benefit of disabled veterans of the world war and other wars, resident in the state, the land to contain not less than 50, nor more than 100, acres suitably located with reference to the health and convenience of the beneficiaries hereunder, as may be recommended by the board of governors provided in section 197.14. Any funds derived from any appropriations, contributions, unexpended balances, or revenues heretofore or hereafter existing to the credit of any such veterans' camp operating under the provisions of sections 197.13 to 197.17 may be used for the purchase of land for such camp.

[1923 c. 309 s. 1; 1941 c. 514] (4393)

**197.14 BOARD OF GOVERNORS OF RECREATION AND RECUPERATION CAMPS CREATED; MEMBERSHIP.** There is hereby established a board of governors who shall have and exercise supervision, care, control, and management of such recreation and recuperation camp, which board shall consist of ten members who shall be selected and appointed as follows: two members thereof shall be selected and appointed by the state department of the American legion, two members thereof shall be selected and appointed by the state department of the veterans of foreign wars of the United States, two members thereof shall be selected and appointed by the state department of the United Spanish war veterans, two members thereof shall be selected and appointed by the state department of the disabled American veterans of the world war, one member thereof shall be selected and appointed by the state department of the American red cross, and one member, who shall act as the chairman of the board of governors, shall be selected and appointed by the adjutant general. The members of the board of governors shall be appointed in the first instance for the term ending on the first Monday in January, 1925, and thereafter for the term of two years, ending the first Monday of January of the odd-numbered year next after the appointment and qualification of their successors. Any vacancies at any time occurring in the board of governors shall be filled by appointment in like manner as hereinbefore provided for members of the board. If any organization fails to make the appointments hereinbefore provided within 30 days from the passage hereof, the adjutant general is hereby authorized and required to make appointments for and on behalf of such organization.

[1923 c. 309 s. 2] (4394)

**197.15 POWERS AND DUTIES OF BOARD OF GOVERNORS.** The board of governors shall have full power and authority to formulate, make, and enforce all rules and regulations necessary for the proper management, control, and use of such veterans' recreation and recuperation camp; it shall have the authority to engage and to fix the compensation of manager and such employees and others as may be necessary for the care and operation of such camp, and to make such expenditures for the procurement of such incidentals as may advance the health and pleasure of the beneficiaries hereunder as may be necessary. No expenditures shall be made except with the approval and upon the order of the chairman of the board of governors. The board of governors, in January of each year, shall make and file with adjutant general a report, together with its recommendations, covering its activities in the management and operation of this recreation and recuperation camp, including the extent of the use of the camp for the purpose intended and the benefits resulting therefrom during the preceding year.

[1923 c. 309 s. 3] (4395)

**197.16 ADJUTANT GENERAL TO MANAGE APPROPRIATIONS.** The adjutant general shall have the management and control of all state appropriations made for the use and benefit of such recreation and recuperation camp, and all expenditures made from such appropriations, but shall put such funds at the disposal of the board of governors as may from time to time be needed for the proper conduct of such camp and to advance the purpose of sections 197.13 to 197.17. No expenditures shall be made from the fund except with the approval and upon the order of the chairman of the board of governors. The adjutant general shall make requests for such appropriations from the legislature as may be deemed necessary with which to make appropriate improvements on the tract of land to be used for such camp, and with which properly to carry out the purposes of sections 197.13 to 197.17. The adjutant general, or the board of governors, is hereby empowered

to accept such donations, contributions, gifts and bequests of real or personal property as may be made to it in order to further the purposes of sections 197.13 to 197.17, and to carry out such trust thereby created as may not be inconsistent with the purposes of sections 197.13 to 197.17; the adjutant general may delegate such duties to the board of governors as he sees fit.

[1923 c. 309 s. 4] (4396)

**197.17 WHO ARE ENTITLED TO BENEFITS.** All disabled American veterans of the world war and other wars, who are residents of the state, shall be entitled to the advantages and privileges of such recreation and recuperation camp. The term "disabled American veterans," as used in sections 197.13 to 197.17, shall be construed to mean and include all veterans having a disability recognized as such by the United States government. In its discretion the board of governors may extend the advantages and privileges of such recreation and recuperation camp to such classes of sick, ailing, or unfortunate ex-service men as it may deem advisable from time to time.

[1923 c. 309 s. 5] (4397)

**197.18 APPROPRIATION FOR OPERATION OF VETERANS' REST CAMPS.** The board of public welfare or similar welfare body of any city and county in this state may annually expend an amount not in excess of \$9,000 in the operation and maintenance of a rest camp now being operated or which hereafter may be located or operated within such county or outside the limits thereof, for disabled or needy American war veterans and their families having a legal settlement in such county, and for such other disabled and needy veterans and their families, whose cost of maintenance while at the camp is paid by the state or some other person or agency.

[1929 c. 312 s. 1; 1937 c. 73 s. 1] (4397-1)

**197.19 CERTAIN COUNTY BOARDS MAY APPROPRIATE MONEY FOR REST CAMPS.** The board of county commissioners of any county having a population of over 500,000, in which a rest camp for disabled American war veterans is being operated, may annually expend an amount not in excess of the sum of \$3,000 to assist in the operation and maintenance of the rest camp.

[1931 c. 324] (4397-2)

**197.20 BURIAL OF SOLDIERS.** The adjutant general shall cause to be decently buried, within or without the state, at a cost to the state of not more than \$100.00, the body of any soldier, sailor, marine, or nurse who served the United States as such in the civil or Spanish-American war, the Philippine insurrection, Boxer rebellion, Mexican border campaign, or the recent war with the German empire and its allies, and of any person not a soldier who actually served in this state, or is a resident thereof, in the Indian war of 1862, and who dies within the state or is brought thereto for interment, and has not left sufficient means to defray the expenses of suitable burial. Such interment shall not be made in any place used exclusively for the burial of the pauper dead, and the relatives or comrades of the deceased, if they so desire, shall be permitted to conduct the burial service. The adjutant general shall furnish at a cost of not to exceed \$7.00 a United States flag for each such veteran. All funds appropriated for the purposes of sections 197.20 to 197.24 shall be disbursed by the adjutant general in the same manner which other funds of the department are disbursed. The adjutant general shall promulgate such regulations as are necessary to carry out the provisions of sections 197.20 to 197.24.

[R. L. s. 1850; 1907 c. 129; Ex. 1919 c. 37 s. 1; 1931 c. 363 s. 1] (4370)

**197.21 HEADSTONES.** The adjutant general shall cause to be placed a headstone at the grave of every such person, bearing his name, and if ascertainable, the dates of his birth and death, and the designation of the organization to which he belonged or in which he served. The cost of such headstone shall not exceed \$15.00, finished and in place. It shall not be furnished by the state until the adjutant general shall have applied unsuccessfully to the federal government therefor. When the federal government furnishes such stone, without a base, the adjutant general, at a cost to the state of not more than \$7.50, shall cause the same to be properly placed. When such headstone heretofore has been furnished and erected other than by the state or the federal government and does not bear the designation of the organization to which such person belonged or in which he served, upon written request of the next of kin of such person or of the state commander of the grand army of the republic, the board, at a cost to the state of not more than \$7.50, shall

cause to be graven thereon the designation of the organization to which such person belonged or in which he served.

[*R. L. s. 18 s. 1; 1925 c. 418; 1931 c. 363 s. 2*] (4371)

**197.22 EXPENSE.** The expense of such interments, or headstones not furnished by the federal government, and of base stones shall be borne by the state. The person in charge of the interment shall report all expenditures, with vouchers approved by the adjutant general, and the state auditor shall issue his warrant for the amount. The sum of \$2,500 is hereby appropriated annually for the defraying of such expenses.

[*R. L. s. 1852; 1931 c. 363 s. 3*] (4372)

**197.23 MAY PROVIDE MARKERS.** The adjutant general shall, upon the petition of any five reputable freeholders of any township or municipality, or of any patriotic or ex-service men's organization, procure for and furnish to the petitioners some suitable and appropriate metal socket for the grave of each and every soldier, sailor, marine, or nurse who served with honor in the forces of the United States and who is buried within the limits of the state, to be placed on the grave of such soldier, sailor, marine, or nurse for the purpose of permanently marking and designating the grave for memorial purposes.

[*1909 c. 299 s. 1; 1931 c. 363 s. 4*] (4373)

**197.24 PETITIONS TO STATE NAMES.** In all petitions to the adjutant general the petitioners shall state the names of soldiers buried and number of such graves in their township or municipality at the time of petitioning.

[*1909 c. 299 s. 2; 1931 c. 363 s. 5*] (4374)

**197.25 DEFINITIONS.** The term "council," as used in sections 197.25 to 197.30, refers to the state executive council. The term "division," as used in sections 197.25 to 197.30, refers to the state division of soldiers' welfare.

[*1935 c. 33 s. 1*] (4397-3)

**197.26 EXECUTIVE COUNCIL MAY EXTEND DIRECT RELIEF.** The council is authorized to extend direct relief to disabled veterans of all wars and their families who are residents of the state.

[*1935 c. 33 s. 2*] (4397-4)

**197.27 WHO MAY RECEIVE RELIEF.** The council, within the limits of the appropriation provided herein, is authorized to appropriate to the adjutant general, to be used and expended by the division, such sums as may be necessary to provide necessary direct relief to disabled veterans of all wars and their families who are residents of the state of Minnesota.

[*1935 c. 33 s. 3*] (4397-5)

**197.28 APPROPRIATIONS.** To provide funds necessary to carry out the provisions of sections 197.25 to 197.30 there is hereby appropriated to the council, out of any funds in the state treasury not otherwise appropriated, the sum of \$200,000.

[*1935 c. 33 s. 4*] (4397-6)

**197.29 COUNCIL MAY ISSUE CERTIFICATES OF INDEBTEDNESS.** If sufficient funds, as needed, are not available in the state treasury, the council is hereby authorized and directed to issue and sell certificates of indebtedness at not less than par value thereof, earning interest after the issuance and sale thereof, payable annually at a rate not greater than four per cent per annum, which certificates shall become due within not more than one year from the date of issuance. The council is hereby authorized and directed to redeem and pay such certificates of indebtedness as may be issued under authority of this section out of any funds which may hereafter be made available to the council for direct relief.

[*1935 c. 33 s. 5*] (4397-7)

**197.30 COUNCIL MAY SELL CERTIFICATES.** The council shall sell such certificates to such persons, associations and corporations, including the state of Minnesota, as it deems advisable.

[*1935 c. 33 s. 6*] (4397-8)

**197.31 DEFINITIONS.** The word "soldier," as used in sections 197.31 to 197.38, means any officer, soldier, sailor, marine, nurse, student nurse, or dietitian who was in the military or naval forces of the United States and who was a bona fide resident of the state at the time he was commissioned, enlisted, inducted, appointed, or mustered into the military or naval service of the United States, and who entered such service prior to November 11, 1918, or who, having enlisted or been inducted prior to November 11, 1918, acquired an active duty status on or after such date, and who has received an honorable or ordinary discharge or release from such service,

or who may still be in such service under honorable conditions, at the time of making application for the benefits of sections 197.31 to 197.38. The word "soldier" shall not be construed to mean, and shall not include, any person in such service during a period of enlistment, re-enlistment, extended enlistment, or other service which began after November 10, 1918, provided, that where discharge was given for the purpose of allowing promotion and acceptance of a commission and continuous service was performed thereunder, such subsequent service shall not be deemed to be a period of service beginning after November 10, 1918. Any person who, while in such service, received pay as a civilian employee shall not be entitled to the benefits of sections 197.31 to 197.38 for the period of such employment.

[1935 c. 213 s. 1] (4397-11)

**197.32 SOLDIER'S BONUS.** Any soldier shall be entitled to receive, as funds are made available, from the State of Minnesota, as provided in sections 197.31 to 197.38, the sum of \$15.00 for each and every month or fraction thereof of service given by him as such soldier subsequent to April 6, 1917, and prior to July 31, 1920; provided, that the amount received hereunder by any such soldier shall not be less than \$50.00.

[1935 c. 213 s. 2] (4397-12)

**197.33 MUST FILE APPLICATION.** Before receiving any such sum under the provisions of sections 197.31 to 197.38, the soldier shall file with the adjutant general application therefor on forms provided by the adjutant general. Such application shall state facts sufficient to establish the status of such applicant as a soldier as defined herein, and shall be duly verified.

[1935 c. 213 s. 3] (4397-13)

**197.34 WIDOW OR DEPENDENTS MAY RECEIVE BONUS.** Where any soldier died and left surviving him a widow, or children now under 18 years of age, or parent or parents, such widow, if still single, or if there be no widow, or children now under 18 years of age, or if there be neither such mother, or if there be neither widow, children now under 18 years of age, nor mother, then such father shall be entitled to the amount which such deceased soldier would have received hereunder for the period of his active service, if living; provided, that where the parents of such deceased soldier are separated or divorced, then and in that event the parent with whom the soldier last resided and who became responsible for his funeral expenses and the expenses of his last illness shall receive the sum which such deceased soldier would have received for the period of his active service, if living.

[1935 c. 213 s. 4] (4397-14)

**197.35 ADJUTANT GENERAL; DUTIES.** The administrative duties hereunder shall be performed by the adjutant general. It shall be the duty of the adjutant general to examine into such applications and he shall make any other examination necessary to establish the facts and approve or disapprove the same, or set apart as held for lack of facts sufficient to establish the right of such soldier to this compensation 60 days after request for such information. No assignment of any right or claim to benefits hereunder made prior to the granting of any relief hereunder and payment of the relief so granted shall be valid, and any transfer or attempt to transfer any such right or claim or any part thereof by any beneficiary prior thereto and the acquiring of or attempting to acquire by any person of any interest in or title to such claim prior to the payment of the relief granted shall be a misdemeanor and punishable as such.

[1935 c. 213 s. 5] (4397-15)

**197.36 ADJUTANT GENERAL TO MAKE RULES.** The adjutant general is hereby authorized to make such rules and regulations as may be necessary for the administration of sections 197.31 to 197.38 not inconsistent with their provisions.

[1935 c. 213 s. 6] (4397-16)

**197.37 NOT TO APPLY TO SOLDIERS WHO HAVE RECEIVED BONUS.** The provisions of sections 197.31 to 197.38 shall not apply to any soldier who has heretofore received a soldiers' bonus from the State of Minnesota under any law relating thereto.

[1935 c. 213 s. 7] (4397-17)

**197.38 ADJUTANT GENERAL TO REPORT TO LEGISLATURE.** Any application for relief pursuant to the provisions of sections 197.31 to 197.38 shall be reported by the adjutant general at the next session of the legislature, and no pay-

ment of any relief granted or approved pursuant to their provisions shall be paid until the necessary funds for the payment thereof have been made available by the legislature.

[1935 c. 213 s. 8] (4397-18)

**197.39 CERTIFICATES TO VETERANS.** Upon the application to him, subject to the conditions and requirements hereinafter contained, by any person who served in any military organization, mustered in from the State of Minnesota during the civil war and who served not less than one year in the field during such war, the adjutant general shall prepare and deliver to such applicant a "certificate of military service." Such certificate shall recite the company, regiment, or organization served in, rank or ranks held by applicant, campaigns and battles engaged in, full time of service, and such other details in regard to the service of the applicant as may be, by the adjutant general, deemed advisable. The military certificate herein provided for shall be signed by the governor of the state and attested by the adjutant general, who shall affix the seal of his office thereto.

[1909 c. 193 s. 1] (4378)

**197.40 HOW PREPARED.** The certificates herein provided for shall be appropriately lithographed or engraved and the form thereof shall be prepared by the adjutant general with the advice of a committee of veterans of Minnesota regiments of the civil war; such committee to be appointed by the adjutant general and serve without compensation.

[1909 c. 193 s. 2] (4379)

**197.41 APPLICATION FOR CERTIFICATE.** Any person entitled to and desiring such certificate shall make application in writing to the adjutant general in the form of an affidavit, setting forth the company or military organization served in, rank or ranks, length of service, date of enlistment and discharge, campaigns and battles engaged in, and such application shall also conform to such rules and requirements as the adjutant general may prescribe. A near relative of any deceased veteran of such Minnesota military organization shall be entitled to receive a certificate of military service of such deceased soldier, provided, such soldier, if living, would have been entitled thereto.

[1909 c. 193 s. 3] (4380)

**197.42 PENSIONS FOR INDIAN WAR VETERANS.** Any and all persons, citizens and residents of the state or who resided therein continuously from September 15, 1862, to September 1, 1900, who rendered active service, bore arms or otherwise rendered efficient aid, and suffered any disabilities in the Indian massacre of 1862, from August 15 to September 15, 1862, according to the reports and files of the adjutant general's office in this state, or upon due proof of service as aforesaid, shall be and they are hereby declared to be entitled to a pension of not to exceed \$12.00 per month from the first day of January, 1905, during their natural lives; and upon their decease the pension, if granted, and the right to make proof of such claim for pension and secure the same, shall descend and be payable to the widow of such decedent whose marital relations have existed since the year 1885. When any such person who would have been entitled to a pension under the provisions of sections 197.42 to 197.44 died prior to January 1, 1905, and such person having rendered active service, as hereinbefore provided, the widow of such person shall be entitled to such pension from January 1, 1905, to April 25, 1919, and after the passage and approval of sections 197.42 to 197.44; provided, that she has not married since the death of her husband.

[1905 c. 315 s. 1; 1909 c. 459 s. 1; 1919 c. 519 s. 1; 1923 c. 292 s. 1] (4387)

**197.43 PROOF; PAYMENT.** Such proof thereof as may be required by the adjutant general shall be presented to him, and upon his approval and certificate declaring such person to be entitled to a pension under section 197.42, the state auditor shall draw orders for the payment of such pension, which orders shall be paid by the state treasurer from and out of any moneys not otherwise appropriated.

[1905 c. 315 s. 2] (4388)

**197.44 PENSIONS FOR SOLDIERS IN INDIAN WARS.** Section 197.42 shall not apply to or affect persons drawing relief by pension from the United States or the State of Minnesota.

[1905 c. 315 s. 3; 1923 c. 244 s. 1] (4389)



## OTHER PROVISIONS RELATING TO VETERANS

**197.45 PREFERENCE TO WAR VETERANS IN PUBLIC APPOINTMENTS.**

In every public department and upon all public works in the state and the counties, cities and towns thereof honorably discharged soldiers, sailors, and marines from the army, navy, or marine corps of the United States in the civil war, Spanish-American war, Philippine insurrection, China relief expedition, or world war, wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the imperial German government and its allies, who are citizens and have been residents of the state five years immediately preceding their application, or enlisted from the state, shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided, such age and disability do not render him incompetent to perform properly the duties of the position applied for, and when such soldier, sailor, or marine shall apply for appointment or employment under sections 197.45 to 197.48 the officer, board, or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall, before appointing or employing any one to fill such position or place, make an investigation as to the qualifications of the soldier, sailor, or marine for such place or position, and if he is a man of good moral character, and can perform the duties of the position applied for by him, as hereinbefore provided, said officer, board or person shall appoint the soldier, sailor, or marine to such position or place of employment.

A refusal to allow the preference provided for in this and section 197.46 to any such honorably discharged soldier, sailor, or marine, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged soldier, sailor, or marine to a right of action therefor in any court of competent jurisdiction for damages, and also for a remedy for mandamus for righting the wrong.

[1907 c. 263 s. 1; 1917 c. 499 s. 1; 1919 c. 14; 1919 c. 192 s. 1; 1937 c. 121; *Ex. 1937 c. 6 s. 1*] (4368)

**197.46 REMOVAL FORBIDDEN; RIGHT OF MANDAMUS; CERTIORARI; BURDEN OF PROOF.** Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state, or in the several counties, cities or towns thereof, who is an honorably discharged soldier, sailor, or marine, having served as such in the army and navy of the United States in the late civil and Spanish and Philippine insurrection wars, the China relief expedition, or the late world war wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the imperial German government and its allies, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employee or appointee to review by writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in sections 197.45 to 197.48 shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

[1907 c. 263 s. 2; 1917 c. 499 s. 1; 1919 c. 14; 1919 c. 192 s. 2; 1937 c. 121; *Ex. 1937 c. 6 s. 2*] (4369)

**197.47 VETERANS' PREFERENCE ACT.** The provisions of sections 197.45 and 197.46, known as the "Veterans' Preference Law," shall apply to and govern any appointment, employment, promotion, and removal of all employees of the state and of all other governmental agencies within the state enumerated in said sections, notwithstanding any provision to the contrary in any other existing law or in any city charter relating thereto.

[1931 c. 347 s. 1] (4369-1)

**197.48 APPLICATION.** No provision of any subsequent act relating to any such appointment, employment, promotion, or removal shall be construed as inconsistent herewith or with any provision of sections 197.45 and 197.46 unless and except only so far as expressly provided in such subsequent act that the provisions of these sections shall not be applicable or shall be superseded, modified, amended, or

repealed. Every city charter provision hereafter adopted which is inconsistent herewith or with any provision of these sections shall be void to the extent of such inconsistency.

[1931 c. 347 s. 2] (4369-2)

**197.49 INSURANCE BENEFITS OF DECEASED TO PASS TO NEXT OF KIN ON DISAPPEARANCE OF WIFE OF VETERAN.** When a resident of the state shall have died intestate when serving in the military or naval forces of the United States of America during the world war, and whose spouse shall have deserted him prior to his enlistment, and the whereabouts of the spouse shall have been unknown for a period of 20 years or more last past, then such spouse shall be presumed to have pre-deceased him, and any and all benefits due and payable to his estate under and by virtue of any war risk insurance act or acts amendatory thereto shall descend to the next of kin as of the date of the death of any such enlisted person, and such estate shall be distributed as provided by the laws of the state for the distribution of the estate of persons dying intestate.

[Ex. 1937 c. 13] (4397-28)

**197.50 BURIAL LOT FOR INSANE EX-SOLDIERS; APPROPRIATIONS.** When a cemetery lot, situated near a state hospital for the insane, shall be conveyed to a responsible person in trust for the burial therein of indigent soldiers, sailors, and marines dying in the hospital, who served the United States in the civil or Spanish-American war, and the wives or widows of persons so dying, the duly recorded deed, or a certified copy thereof, may be filed with the state auditor. Upon being satisfied that such lot is suitable and adequate for the purpose, the auditor shall issue his warrant for \$500.00, payable to the nearest post of the grand army of the republic, and the treasurer shall pay the same on the endorsement of its commander. The fund shall be used for the ornamentation and care of the lot so conveyed and the erection of a suitable monument thereon. The post shall render to the auditor annual accounts of the expenditures therefrom and of the balances on hand. When it ceases to exist as a post, any balance remaining shall be paid to the superintendent of the hospital, to be used for the same purposes and accounted for in the same way. The sum of \$2,500 is hereby appropriated for the purpose aforesaid.

[R. L. s. 1853] (4375)

**197.51 BURIAL FUND, HOW DISBURSED.** The fund so appropriated shall be disbursed by the state auditor in the manner and under the conditions following, and not otherwise: As soon as the citizens or any number of them of any town in the state in which an insane hospital or asylum is located, shall have procured a suitable lot or plot of ground of sufficient size near such hospital or asylum, and such plot of ground shall be deeded to some responsible person or persons in the town or vicinity in trust for the burial of the persons heretofore named, and shall file a copy of the deed conveying such plot of ground with the state auditor, and such officer shall be satisfied that the ground so selected and deeded is sufficient and suitable for such purpose, he shall thereupon draw an order upon the state treasurer for the payment of the sum of \$500.00, payable to the grand army post nearest such hospital or asylum, and such order shall be paid by the treasurer to the post quartermaster when endorsed by the commander of such post and by such quartermaster, and such fund shall be employed by such post in beautifying and caring for such ground, and in the erection of a suitable monument thereon. A portion of such fund, not to exceed \$200.00, may be used for the payment of a portion of the purchase price of such lot or plot of ground. Annual accounts of the disposition and condition of which the fund shall be furnished by the quartermaster of such post and filed in the office of the state auditor. It shall be no objection to the deed of trust if it shall also provide for the burial in the plot of ground of the bodies of indigent soldiers and sailors, their wives and widows, as aforesaid, who may die in the vicinity.

[1901 c. 271 s. 2; 1905 c. 266 s. 1] (4376)

**197.52 DUTY OF SUPERINTENDENT.** After notice of such conveyance, the superintendent shall cause to be interred in the lot all persons of the classes aforesaid, dying in the hospital, whose burial is not otherwise provided for by relatives or friends. He shall also, so far as practicable, cause the bodies of those previously buried in the hospital grounds to be removed thereto, and shall furnish to the proper persons all facts within his knowledge essential to the placing of a suitable inscription upon the monument or headstones. If the deed shall so provide, the

bodies of indigent persons of the classes mentioned in section 197.50 who may die in the vicinity, not inmates of the hospital, may be buried in the lot.

[R. L. s. 1854] (4377)

**197.53 AMERICAN LEGION HEADQUARTERS IN STATE CAPITOL.** The governor of this state shall set apart a suitably furnished room in state capitol, to be known as "Headquarters Room" of "The American Legion," which room shall be under the charge of Minnesota state commander of the American Legion for the department of Minnesota, and such person as he may in writing designate; and such room shall be used for the purpose of keeping therein supplies and property of "the American Legion" and as its general office for the department of Minnesota.

[Ex. 1919 c. 34 s. 1] (4384-1)

**197.54 GRAND ARMY HEADQUARTERS; ANNUAL REPORT.** A suitably furnished room in the capitol shall be set apart as headquarters for the Minnesota department of the grand army of the republic. The room shall be under control of the department commander, and used as a depository for the property of the department and for the conduct of its business. The records kept therein shall be open to members of the organization and to persons collecting information. The commander shall report annually to the governor such transactions of the department as he may deem of interest, 600 copies of which report shall be printed. The commissioner of administration shall distribute 250 copies among legislators, officers of the state, and public libraries, and deliver 350 copies to the commander.

[R. L. s. 1855] (4381)

**197.55 QUARTERS FOR MEETINGS OF GRAND ARMY AND OTHER ORGANIZATIONS.** The governor of this state, or any other legal custodian of public buildings within the state, shall, when not inconsistent with the public interests to set aside any portion of the state public buildings for the use and occupation as quarters and places for holding their stated or special meetings or assemblies, to all posts of the grand army of the republic, commanderies of the loyal legion, camps or posts of the veterans of the Philippine or Spanish-American wars, and any other post, commandery, camp or association, local or state, of veterans of any war in which the United States has been engaged, which may be organized in the city, town or county in which the building or buildings may be situated. Upon 20 days' written notice, duly served upon the proper officer or officers of any said organizations, by the governor or any other legal custodian, that the public buildings, rooms, or quarters are required for public use, the same shall be promptly and quietly vacated.

[1905 c. 37 s. 1; 1911 c. 107 s. 1] (4382)

**197.56 USE OF QUARTERS.** Such organization shall have the equal and free use of all such quarters, under such rules and regulations and upon such conditions as may be prescribed by the governor or by such custodian. All reasonable and proper facilities, so far as possible, shall at all times be furnished therein by any local post, commandery, camp, or association, which may occupy the same, for any state or national gathering of war veterans.

[1905 c. 37 s. 2] (4383)

**197.57 QUARTERS, HOW MAINTAINED.** Such quarters shall be furnished and maintained at the expense of such organizations as may occupy them under the provisions of section 197.55; provided, that if the building in which such quarters are assigned is heated and lighted at public expense, these quarters shall be so heated and lighted without cost to the organizations.

[1905 c. 37 s. 3] (4384)

**197.58 STATE TO PROVIDE SPACE FOR VETERAN ORGANIZATIONS.** The governor of this state shall set apart a suitably furnished room in the state capitol, or other state office building, for the use of each of the following veteran organizations: the grand army of the republic, the united Spanish war veterans, the veterans of foreign wars of the United States, and the disabled American veterans of the world war, incorporated, or when incorporated, under the laws of the state. Such room shall be under the charge of the Minnesota state commander of the department of Minnesota of the veteran organization assigned thereto, and such person as he may in writing designate, and shall be used for the purpose of keeping therein records, archives, trophies, supplies, and other veteran property of the organization and as its general headquarters office for the department of Minnesota.

[1929 c. 434] (4384-2)

**197.59 EXEMPTION FROM LICENSE FEE; VETERANS; REGULATIONS.** No license fee or other charge provided by any law of the state shall be required

by any honorably discharged soldier, sailor, or marine who served the United States in the civil war, in the Spanish-American war, in the Philippine rebellion, or in the Boxer uprising, or in the recent war against the German empire and its allies, for the privilege of hawking or peddling goods and merchandise, not prohibited by law or ordinance, in the county where he has established a bona fide residence, solely upon his own account. Nothing herein contained shall prevent any city, village, borough, or other municipality from levying and collecting such license fees for hawking or peddling within its corporate limits. Upon application therefor, accompanied by proof of such discharge, to any clerk or other officer authorized to issue such license, the same shall forthwith be granted. Every such clerk or other officer issuing such license shall ascertain that the applicant is entitled thereto; and any such clerk or other officer issuing a license to any person who is not entitled to receive one under the provisions of this section shall be guilty of a misdemeanor. Every violation hereof shall be deemed a misdemeanor, the minimum punishment whereof shall be a fine of \$10.00.

[*R. L. s. 1849; 1907 c. 393 s. 1; 1917 c. 230 s. 1; 1919 c. 415; 1921 c. 434 s. 1; 1925 c. 236; 1935 c. 281*] (4367)