

REVISED LAWS OF MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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lars, which amount may be recovered in an action against him personally or on his official bond. The penalties of this section shall apply to any magistrate with proper authority who refuses or neglects to cause the arrest and prosecution of any person or persons when complaint under oath of violations of any provisions of this act has been lodged with him. ('09 c. 182 § 1)

CHAPTER 23.

REGULATION OF LABOR.

BUREAU OF LABOR.

1789-1797. [Repealed.]

See section [1797—]1, and note thereunder.

[1797—]1. How constituted—Terms—Employees.—The bureau of labor industries and commerce shall consist of a commissioner of labor, an assistant commissioner, and a statistician, and shall have its office in the capitol. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate, for a term ending on the first Monday of January in the odd numbered year next ensuing. The other two members shall be appointed for like terms by the commissioner, but all the members shall hold office until their respective successors qualify. The commissioner shall also appoint, and at pleasure remove, three deputy commissioners, five factory inspectors, five assistant factory inspectors, and such other employes as may be necessary, and for whose compensation provision is made by law. Two of the said factory inspectors shall act as inspectors of railroads. The factory inspectors and the assistant factory inspectors must be persons possessed of practical experience and knowledge in and of the operation of factories, and the appointment of any not so qualified shall be void. The commissioner shall be the head of the bureau, and may assign any other member or employe thereof to any duty imposed thereon by law. ('07 c. 356 § 1)

Historical.—"An act creating the bureau of labor industries and commerce and to repeal sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796 and 1797, Revised Laws 1905." Approved April 23, 1907.

Section 10 repeals R. L. §§ 1789-1797, and all other inconsistent acts.

See sections [1797—]2, [1797—]11, [1797—]12.

[1797—]2. Female inspector—Duties.—The commissioner of labor is hereby authorized and directed to appoint, in addition to the other employes of his department, a competent woman as a special inspector, who shall have all the rights and powers possessed by the other inspectors in the bureau of labor, whose special duty it shall be to examine into the sanitary conditions in all factories, workshops, hotels or restaurants, and all places where women are employed, and report to the bureau any violations of the law, and the existence of any conditions or practices which detract from the general well being of the women so employed at any such places. The recommendations of said special inspector as to any new laws that may be necessary for the advancement of the interests of women laborers shall be reported by the commissioner of labor to the next legislature. ('07 c. 456)

Historical.—"An act to create the office of special inspector in the bureau of labor." Approved April 25, 1907.

See section [1797—]12.

[1797—]3. Terms defined.—The words "factory" and "mill," as used in this chapter, shall mean any premises where water, steam,

or other mechanical power is used in aid of any manufacturing or printing process there carried on. The term "workshop," as so used, shall mean any premises, room, or place, not factory or mill as above defined wherein manual labor is exercised by way of trade, or for purposes of making, altering, repairing, cleaning, ornamenting, finishing, or adapting for sale any article or part thereof, and to or over which premises, room, or place, the employer of such labor has the right of access or control; but the exercise of such labor in a private house or room by members of the family dwelling therein, or by persons, a majority of whom are members of such family, shall not of itself constitute such house or room a workshop. The term "engineering work," as so used shall mean any work of construction, operation, alteration, or repair of a railroad or street railway, of the works of any gas, telephone, telegraph, water, electric light, or mining company, or upon any sewer, bridge, tunnel, or building erected by a municipality. But nothing herein shall interfere with the powers conferred by law upon the board of railroad and warehouse commissioners. ('07 c. 356 § 2)

See note under section [1797—]1.

[1797—]4. Duties and powers—Witnesses.—The bureau shall enforce all laws regulating the employment of minors and women, for the protection of the health, lives, limbs, and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and whenever requested by the proper school authorities of any school district shall also be clothed with the same powers for the enforcement of the compulsory education and truancy laws as those conferred on truant officers by section 1448, Revised Laws of 1905. It shall gather statistics relating to all branches of labor, to labor troubles and unions, to Sunday labor, to the industrial and social condition of the laboring classes, and to the condition of industries, commerce and agriculture. In the discharge of its duties, the members and employes of the bureau may enter and inspect any factory, mill, workshop, hotel, restaurant or engineering work at all reasonable times, and give such directions as may be necessary to enforce the laws. They also may enter any store, theater, amusement hall, bowling alley, pool room and place where intoxicating beverages are sold, for the purpose of enforcing the child labor and school attendance laws or other duties imposed upon them. Any member of the bureau may issue subpoenas and take testimony, and compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he has been paid the fees provided for witnesses in the district court. ('07 c. 356 § 3)

[1797—]5. Duties of employers—Reports—Preservation of records.—On request of the bureau, and within the time limited therein, every employer of labor shall make a certified report to the bureau upon blanks furnished by it, of all matters covered by the request. The names of persons or concerns supplying such information shall not be disclosed. Every notice, order, or direction given by the bureau shall be in writing, signed by a member of the bureau, and be served by him, or by any officer or disinterested person, as a summons is served in the district court. Papers so served and all records and documents of the bureau are hereby declared public documents, and shall not be destroyed within two years after their return or receipt by the bureau. ('07 c. 356 § 4)

[1797—]6. Orders of bureau, how reviewed.—Within ten days after the service of any such order or direction of the bureau, any person aggrieved may apply to a judge of the district court for an

order restraining its enforcement, and upon not more than thirty days' notice a hearing may be had before such court, or before three impartial expert referees appointed by the court, who shall file their report within ten days after the hearing. The court may alter, annul, or affirm the order or direction complained of; the decision to be based upon the hearing by the court, or upon the report of the referees. Such decisions shall take the place of the original order. In case of affirmance, the losing party shall pay reasonable compensation to the referees, to be fixed by the courts; if the decision be against the order, such compensation shall be paid out of the appropriation for the support of the bureau. ('07 c. 356 § 5)

[1797—]7. Violation of local ordinance.—Whenever the bureau learns of a violation of a local ordinance for the protection of employes it shall give written notice thereof to the proper municipal authorities, and take any steps permissible under the ordinance for its enforcement. If such violation be also a violation of the state law, and such local authorities fail to enforce the ordinance within thirty days after receiving from any person written notice of its violation, the bureau, upon petition of such person, shall investigate the same, and take steps to enforce the law. ('07 c. 356 § 6)

[1797—]8. Report to legislature—Special reports.—The bureau shall report to the legislature at each regular session. Such report shall contain an account of the doings of the bureau, the statistics gathered by it, a statement of all violations of law which have come to its knowledge, and any proceedings had in consequence, and such recommendations as the commissioner deems proper. The report shall be printed and distributed as in the case of other executive documents. The commissioner shall also be empowered to issue and have distributed special reports or bulletins on subjects of investigation by the bureau, of special interest to the welfare and prosperity of the state. Such special reports shall be printed as in the case of other executive documents. ('07 c. 356 § 7)

[1797—]9. Penalties.—Any officer, agent, or employé of the bureau who shall disclose the name of any person supplying information at the request of the bureau shall be guilty of a gross misdemeanor. Any person who, having been duly subpoenaed, shall refuse to attend or testify in any hearing held under the direction of said commissioner shall be guilty of a misdemeanor. Any owner or occupant of any factory, mill, workshop, engineering works, store or other place enumerated in section 3 [1797—4] of this act, or the agent of such person, who shall refuse to admit thereto any officer, agent, or employé of the bureau seeking entrance in the discharge of his duty, shall be guilty of a misdemeanor. ('07 c. 356 § 8)

[1797—]10. Salaries—Expenses.—The commissioner shall receive a salary of twenty-six hundred dollars per year, the assistant commissioner eighteen hundred dollars; and the statistician thirteen hundred dollars. One of said deputy commissioners shall receive twelve hundred dollars per year, and two of said deputy commissioners shall receive eleven hundred dollars each per year; the five factory inspectors shall receive eleven hundred dollars each per year, and the five assistant factory inspectors shall receive one thousand dollars each per year, and the other employes of the bureau such reasonable pay as the commissioner may fix, not exceeding four dollars per day of actual service. The necessary traveling and other expenses of each shall be paid by the state, but no more than ten thousand dollars in addition to the annual salaries shall be expended by the bureau in any one year. ('07 c. 356 § 9)

[1797—]11. **Woman's and children's department.**—There shall be created in the bureau of labor a woman's and children's department. ('09 c. 497 § 1)

Historical.—"An act to create a woman's department in the bureau of labor, prescribe the duties thereof." Approved April 24, 1909.

[1797—]12. **Assistant commissioner—Inspectors.**—There shall be appointed by the commissioner of labor a competent woman to act as assistant commissioner of labor and such woman factory inspectors as may be necessary to inspect the sanitary and general conditions under which women and children are at work in all factories, work shops, hotels, restaurants, stores and any other places where women and children are employed. Said assistant commissioner of labor shall collect statistics and render to the next legislature through the commissioner of labor such findings and recommendations as will promote the health and general welfare of the women and children so employed in this state. ('09 c. 497 § 2)

GENERAL PROVISIONS.

[1801—]1. **Certain railroad employés—Hours.**—It shall be unlawful for any railroad company within the State of Minnesota, or any of its officers or agents, to require or permit any employé engaged in or connected with the movement of any rolling stock, engine or train, to remain on duty more than sixteen consecutive hours, or to require or permit any such employé who has been on duty sixteen consecutive hours to perform any further service without having had at least eight hours' rest, or to require or permit any such employé to be on duty at any time to exceed sixteen hours in any consecutive twenty-four hours, provided, however, that this section shall not apply to work performed in the protection of life or property in cases of accident, wreck or other unavoidable casualty; and, provided further, that it shall not apply to the time necessary for trainmen to reach a resting place when an accident, wreck, washout, snow blockade or other unavoidable cause has delayed their train. ('07 c. 253 § 1)

Historical.—"An act to safeguard the traveling public and employés upon railroads by limiting the hours of service of employés thereon." Approved April 19, 1907.

[1801—]2. **Same—Penalty for violation—Duty of railroad commission.**—Any officer of any railroad company in the State of Minnesota violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred dollars, and not more than five hundred dollars for each offense, or by imprisonment in the county jail not more than sixty days, or both fine and imprisonment at the discretion of the court. It shall be the duty of the state railroad and warehouse commission, upon complaint properly filed with it alleging a violation of this act, to make a full investigation in relation thereto, and for such purpose it shall have the power to administer oaths, interrogate witnesses, take testimony and require the production of books and papers, and if such report shall show a violation of the provisions of this act the commission shall, through the attorney general, begin the prosecution of all parties against whom evidence of violation of the provisions of this act is found; but this act shall not be construed to prevent any other person from beginning prosecution for violation of the provisions hereof. ('07 c. 253 § 2)

1804-1811. [Repealed.]

See note under section [1811—] 1.

1804. Employment of children—Hours.

In general.—Employment of boy under 15, in violation of this section, in the vicinity of dangerous machinery not protected, as required by section 1813, held prima facie evidence of negligence on part of the employer. *Jacobson v. Merrill & Ring Mill Co.*, 119 N. W. 510.

[1811—]1. **Employment of children—Under 14 years.**—No child, under 14 years of age, shall be employed, permitted or suffered to work at any time, in, or in connection with, any factory, mill or workshop, or in or about any mine; and it shall be unlawful for any person, firm or corporation, to employ any child under 14 years of age in any business or service whatever during any part of the term during which the public schools of the district in which the child resides are in session. ('07 c. 299, § 1)

Historical.—"An act to regulate the employment of children, and providing penalties for its violation." Approved April 22, 1907.

Section 13 repeals R. L. §§ 1804-1811, and all other inconsistent acts.

Prior laws—Construction and effect.—Defendant was not liable, under R. L. § 1806, for the negligence of a boy in the operation of its elevator, where the boy was not in its employ and it was not shown that the boy was "permitted" to operate the elevator. *La Belle v. Powers Mercantile Co.*, 103 Minn. 515, 114 N. W. 1131.

Constitutionality.—R. L. § 1809, was not in contravention of the fourteenth amendment of the federal Constitution. *Fitzgerald v. International Flax Twine Co.*, 104 Minn. 138, 116 N. W. 475.

In general.—The employment of an infant under the age of 16 years about dangerous machinery, the owner of which had not procured a certificate from the school superintendent or school board permitting such employment, as provided for in Laws 1907, c. 299, is illegal. If injury results to an employé who is within such age from a failure properly to guard dangerous machinery at which she was required to work, these facts make a prima facie case for damages against the employer. *Perry v. Tozer*, 90 Minn. 431, 97 N. W. 137, 101 Am. St. Rep. 416, followed and applied. *Fitzgerald v. International Flax Twine Co.*, 104 Minn. 138, 116 N. W. 475.

[1811—]2. **Same—Over 14 and under 16 years—Employment certificate—Powers of commissioner, etc.—Evidence of age.**—It shall be unlawful for any person, firm or corporation to employ any child over 14 years of age, and under 16 years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session, unless the employer procures and keeps accessible to the truant officers of the town or city and to the commissioner of labor, assistant commissioner of labor, factory inspectors and assistants, an employment certificate as herein prescribed and a list of all such children employed. On termination of the employment of a child, such certificate shall be forthwith surrendered by the employer to the official who issued the same. The commissioner of labor, assistant commissioner of labor, factory inspectors and assistants, may make demand on an employer when a child apparently under the age of 16 years is employed or permitted or suffered to work and when such employer does not have and exhibit the certificate as required by this section, that such employer shall either furnish him within 10 days, evidence satisfactory to him that such child is in fact over 16 years of age, or shall cease to employ or permit or suffer such child to continue in his employment. The commissioner of labor, assistant commissioner of labor, factory inspectors and assistants and truant officers may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver within ten days after such demand, such evidence of age herein required of him and shall thereafter continue to employ such child, or permit or suffer such child to continue in his employment, proof of the giving of such notice and

such failure to produce such evidence, shall be prima facie evidence in any prosecution brought for a violation of this section that such child is under 16 years of age, and is unlawfully employed. ('07 c. 299 § 2)

[1811—]3. Certificate, by whom issued.—An employment certificate shall be issued only by the superintendent of schools, or by some one authorized by him so to do, or where there is no superintendent of schools, by the chairman of the school board or the chairman of the board of education, or by a person authorized by such chairman; provided, that no superintendent of schools, member of the school board or board of education or other person authorized as aforesaid, shall have authority to issue such certificates for any child then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. ('07 c. 299 § 3)

[1811—]4. Certificate, how issued—To whom.—The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and retained in his possession for the inspection of the public, the following papers duly executed: (1) The school record of such child, properly filled out and signed as provided in this act. (2) A duly attested transcript of the birth certificate, filed according to law with the officer charged with the duty of recording births which shall be conclusive evidence of the birth of such child. (3) The affidavit of the parent or guardian or custodian of the child, showing the place and date of birth of such child, but such affidavit shall not be required unless the last mentioned transcript of the certificate of birth cannot be produced, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the same and until such officer shall, after making an examination, make and retain for inspection by the public, a statement that, in his opinion, the child is 14 years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases, such physical unfitness shall be determined by the medical officer of the board of department of health. Every such employment certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued; provided, however, that the employment certificate herein provided for shall be issued only to such children as: (1) Those whose poverty or that of their families renders it necessary for them to work for their support or that of their families; (2) Those who can produce a school record answering the requirements provided for in section 6[1811—6] of this act. ('07 c. 299 § 4)

[1811—]5. Certificate shall state, what.—Such employment certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight, and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and retained for inspection by the public, and that the child named in such certificate has appeared before the officer signing the certificate and been examined. ('07 c. 299 § 5)

[1811—]6. School record.—The school record required by this act shall be signed by the principal of the school which the child attends, and if there is no principal, then by the teacher of such

child in said school and shall be furnished on demand to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended a parochial or private school as required by law or has been lawfully excused therefrom during the year previous to applying for such school record and is able to read and write simple sentences in the English language, and has received during such period, instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic, up to and including fractions. Such school record shall also give the age and residence of the child as shown on the record of the school and the name of its parent or guardian or custodian. ('07 c. 299 § 6)

[1811—]7. Duty of superintendent of schools, etc.—List—Penalty.—The superintendent of schools and chairman of school boards and of the boards of education, shall transmit between the first and tenth day of each month to the office of the commissioner of labor of the state, a list of the names of the children to whom certificates have been issued, and any one failing to transmit the list herein provided for, shall be guilty of a misdemeanor. ('07 c. 299 § 7)

[1811—]8. Children under 16—Hours of employment—Posted notice.—No person under the age of 16 years shall be employed, or suffered, or permitted to work at any gainful occupation more than 60 hours in any one week, nor more than 10 hours in any one day; or before the hour of seven o'clock in the morning or after the hour of 7 o'clock in the evening, except that on Saturday and for 10 days prior to Christmas, such person may be employed until 10 o'clock p. m., but not longer in any day or week than the hours aforesaid. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the commissioner of labor of the state, and the employment of any minor for longer time in any day so stated shall be deemed a violation of this section. ('07 c. 299 § 8)

[1811—]9. Penalties for violation.—Whoever employs a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 1[1811—1], 2[1811—2], or 8[1811—8] of this act, shall, for such offense, be fined not more than fifty dollars; and whoever continues to employ any child in violation of any of said sections of this act after being notified by a truant officer or the commissioner of labor of the state, shall for every day thereafter, that such employment continues, be fined not less than five dollars nor more than twenty five dollars. A failure to produce to a truant officer or any official of the labor department, any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section 2[1811—2] of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by section 5[1811—5] of this act, who knowingly certifies to any materially false statement therein, shall be fined not more than fifty dollars. ('07 c. 299 § 9)

[1811—]10. Powers and duties of officials of labor department and truant officers—Penalty.—Officials of the labor department and

the truant officers may visit all factories, mills, workshops, mines, mercantile establishments and all other places where labor is employed and ascertain whether any minors are employed contrary to the provisions of this act, and they shall report any cases of such illegal employment to the school superintendent or to the chairman of the school board or board of education and to the commissioner of labor of the state. Officials of the labor department and truant officers may require that the employment certificates and lists provided for in this act of minors employed, shall be produced for their inspection. Complaints for offenses under this act may be brought by any official of the state labor department, and any one who shall refuse to allow the visitation in this section provided for, shall be guilty of a misdemeanor. ('07 c. 299 § 10)

[1811—]11. Prohibited employments—Penalty.—No children under the age of 16 years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever; nor shall any children adjust any belt to any machinery; they shall not oil, or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, woodshapers, wood joiners, planers, sand paper or wood-polishing machinery, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating tools, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery or other steam generating apparatus, or as pin boys in any bowling alleys; they shall not operate or assist in operating dough brakes or cracker machinery of any description; wire or iron straightening machinery; nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing, grinding or mixing mill or calendar rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery; nor shall they be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment that may be considered dangerous to their lives or limbs, or where their health may be injured or morals depraved; nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold; nor shall females under 16 years of age be employed in any capacity where such employment compels them to remain standing constantly. Provided, that in any action brought against an employer of any child under 16 years of age, on account of injuries sustained by the child while so employed, if the employer shall have obtained, and kept on file in like manner as herein provided for employment certificates, an affidavit of the parent or guardian, stating in substance that the child is not less than 16 years of age, such employment shall not be deemed a violation of this act. Any person employing any child in violation of the provisions of this section shall be guilty of a gross misdemeanor. ('07 c. 299 § 11)

[1811—]12. Physician's certificate—Failure to produce—Penalty.—In case any child appears to be unable to perform the labor at which he or she is employed, the officials of the labor department or truant officers may require the employer of such child to produce a certificate from some reputable practicing physician of the physical fitness of the child for such work, and a child as to whom

such certificate cannot be obtained shall not be employed. Any person refusing to produce the certificate herein required upon demand, or who shall employ a child when a certificate has been produced stating that such child is physically unable to work, shall be guilty of a gross misdemeanor. ('07 c. 299 § 12)

[1812—]1. **Assignment of wages or salary—Written notice.**—No assignment, sale or transfer, however made or attempted to be made, of any wages or salary, earned or to be earned, shall give any right of action, either at law or in equity, to the assignee or transferee of such wages or salary, nor shall any action lie for the recovery of such wages or salary, or any part thereof, by any other person than the person to whom such wages or salary are due or to become due, unless a written notice, together with a true and complete copy of the instrument, assigning or transferring such wages or salary, shall have been given within three days after the making of such instrument to the person, firm or corporation from whom such wages or salary have accrued or are accruing, or may accrue. ('05 c. 309 § 1)

Historical.—"An act regulating all assignments, sales and transfers of wages or salary." Approved April 19, 1905.

[1812—]2. **Same—Unearned wages—Consent of employer—Collection fee—Penalty.**—No assignment, sale or transfer, however made or attempted, of any unearned wages or salary shall be in any manner valid or effectual for the transfer of any salary or wages to be earned or accruing after the making of such assignment, sale or transfer, unless the person, firm or corporation from whom such wages or salary are to accrue shall consent thereto in writing. Any employer or agent of such employer accepting or charging any fee or commission for collecting the amount due on any such assignment, sale or transfer shall be deemed guilty of a misdemeanor. ('05 c. 309 § 2)

[1812—]3. **Same—Assignment void, when.**—Every assignment, sale or transfer, however made or attempted, of wages or salary to be earned or to become due, in whole or in part, more than sixty (60) days from and after the day of the making of such transfer, sale or assignment, shall be absolutely void. ('05 c. 309 § 3)

1813. Dangerous machinery—How guarded.

Cited and applied in *Hahn v. Plymouth Elevator Co.*, 101 Minn. 58, 111 N. W. 841; *Seely v. Tennant*, 104 Minn. 354, 116 N. W. 648.

See note under section next following.

In general.—A failure to comply with the provisions of this section constitutes negligence on the part of the master, when dangerous machinery is so located that it is dangerous, and it is practicable to protect it with a guard. A master is not excused from complying with the statute by the mere fact that such machinery had not been manufactured with a guard, or that it had not been customary to use guards. *Callopy v. Atwood*, 105 Minn. 80, 117 N. W. 238, 18 L. R. A. (N. S.) 593.

See, also, *Johnson v. Atwood Lumber Co.*, 101 Minn. 325, 112 N. W. 262.

Failure to guard is negligence, where it is practicable to guard the machine. *Bigum v. St. Paul Sash, Door & Lumber Co.*, 119 N. W. 481.

Emery wheels are within this section, and where it is practicable to guard them, it is negligence per se to operate them without a guard. The duty is a continuing one, requiring the guard to be maintained while the wheel is in operation, and that duty is not discharged by merely furnishing a suitable guard and exercising reasonable care in the selection of an operator. *Davidson v. Flour City Ornamental Iron Works*, 119 N. W. 483.

Bag-turning machine held within the statute. *Abel v. Hardwood Mfg. Co.*, 120 N. W. 359.

This section held to apply for the protection of a coal shoveler at an elevator, who was also in charge of a gasoline engine by which it was operated. The four walls of the engine house, but twelve feet square, did not constitute compliance with the section. *Rase v. Minneapolis, St. P. & S. S. M. Ry. Co.*, 120 N. W. 360.

Whether the shaft to a wood-sawing machine should be guarded in any other

manner than as protected by the feeding trough held a question for the jury. *Kerling v. G. W. Van Dusen Co.*, 121 N. W. 227.

See *Jacobson v. Merrill & Ring Mill Co.*, 119 N. W. 510, cited in note under section 1804.

1814. Belt shifters, loose pulleys, etc.

Action for damages—Questions for jury.—Where plaintiff's arm was broken while he was attempting to throw by hand a moving belt in defendant's grain elevator, in an action to recover for his injury, the questions of negligence, contributory negligence, and assumption of risk were for the jury. *Hahn v. Plymouth Elevator Co.*, 101 Minn. 58, 111 N. W. 841.

1815. Protection of hoistways, elevators, etc.—Exceptions.

Liability to others than employés—Contributory negligence.—Conceding the application of G. S. 1894, § 2250, to persons other than employés, the defense of contributory negligence on the part of a person injured, in consequence of the failure to comply with the statute, was not thereby excluded. *Schutt v. Adair*, 99 Minn. 7, 108 N. W. 811.

Duty of lessee—Liability of lessor.—A lessee of a building containing an elevator, or hand hoist, was charged with the duty of maintaining the same with the safety devices required by G. S. 1894, § 2250, although no such duty was imposed by the lease. Where such lessee was a corporation, such duty rested upon the officers conducting its business. Where a de facto officer was injured while assisting in operating a hand hoist, he was chargeable with his own negligence in failing to comply with the statute, and the owner of the building was not liable to him as an employé of the lessee. *Welker v. Anheuser-Busch Brewing Ass'n*, 103 Minn. 189, 114 N. W. 745.

[1818—]1. Underground apartments, etc.—No basement, cellar, underground apartments, or other place which the commissioner of labor shall condemn as unhealthy and unsuitable shall be used as a workshop, factory or place of business in which any person or persons shall be employed. ('09 c. 289 § 1)

Historical.—"An act to provide for the proper sanitary condition of factories and workshops and the preservation of the health of employees." Approved April 20, 1909.

[1818—]2. Same—Penalty for violation.—Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, nor less, nor less than twenty-five dollars, or by imprisonment for not more than ninety days, nor less than thirty days, or by both such fine and imprisonment, for each offense. ('09 c. 289 § 2)

[1821—]1. Accidents—Reports by employers to commissioner.—It is hereby made the duty of every employer of labor engaged in industrial pursuits to make or cause to be made a report of any and all accidents within thirty days after they occur to any of its, his or their employés, within the scope of their employment of which he, it or they have or can obtain knowledge, where the injuries are sufficient to wholly or partially incapacitate the injured from labor or service, which report shall be made in writing to the commissioner of labor of this state, giving:

- (a) Age, sex and occupation of injured person.
- (b) Occupation of employer.
- (c) The cause of the injury.
- (d) The nature and extent of the injury and the probable length of disability.
- (e) The immediate family or dependents of the injured person.
- (f) The name and address of the attending physician or surgeon.
- (g) The wages the injured person was earning and the length of time he had been in that employment.
- (h) Whether the injured person wilfully caused the injury.
- (i) Whether assumption of risk is claimed by the employer.
- (j) Whether negligence of a fellow servant is claimed by the employer.
- (k) Whether contributory negligence is claimed by the employer.

(l) Whether fault of the employer, or his machinery, or safety appliances, is admitted.

(m) A statement of all expenses, costs, damage and compensation to which the employer is put on account thereof.

(n) Whether the employer carries indemnity or liability insurance, and if so, the amount thereof and the average payroll in the department in which the injury occurred.

(o) Whether it is a case which is likely or may become one of public charity. ('09 c. 235 § 1)

Historical.—"An act requiring all accidents occurring to employees while engaged in industrial employments in the state of Minnesota, and resulting in bodily injuries, to be reported to the commissioner of labor of said state with data and information concerning the nature, cause and duration thereof, and prescribing a penalty for failure to make such reports." Approved April 17, 1909.

By section 4 the act took effect June 1, 1909.

[1821—]2. Same—Failure to report a misdemeanor.—The failure to make such reports on the part of any person, co-partnership or corporation required hereby to make the same, within the time herein specified, is hereby declared to be a misdemeanor. ('09 c. 235 § 2)

[1821—]3. Same—Report as evidence, etc.—No report herein required to be made nor any part thereof, shall be admitted in evidence or referred to at the trial of any action, or in any judicial proceedings whatsoever, except prosecution for the violation of this act. No such report or any part thereof, nor any copy of the same, nor any part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner, by any official or clerk or other employé of the state having access thereto, but the same may be used for state investigations and statistics only. Any such disclosure is hereby declared to be a misdemeanor and punishable as such. ('09 c. 235 § 3)

[1821—]4. Accidents—Reports by indemnity companies to commission.—Every indemnity, casualty and employers' liability company doing business in this state, shall, on or before the first day of October, 1909, file with the Minnesota employes' compensation commission a written report upon blanks to be furnished by said commission, of all accidents occurring in this state between July 1, 1906, and July 1, 1908, of which it has had notice, resulting in bodily injury to the employes of persons, firms or corporations to whom it has issued policies of insurance. Such written reports shall contain the following information relative to each of said accidents, or so much thereof as is disclosed by the books and records of the company making such report, to-wit:

- (a) Date of injury.
- (b) Age, sex and occupation of the injured person.
- (c) Occupation of the employer.
- (d) The cause and manner in which the injury happened.
- (e) The nature and extent of the injury and the length of disability.

(f) The wages the injured person was earning and the length of time he had been so employed.

- (g) Whether it was claimed that the injury was caused by
 - One (1) The wilful or gross negligence of the injured party;
 - Two (2) The negligence of a fellow servant;
 - Three (3) Contributory negligence of the injured party;
 - Four (4) Defective machinery or appliances furnished by the employer;

Five (5) Whether it was claimed that the injured party assumed the risk of his employment.

(h) Whether a settlement has been made with the injured person or his legal representatives.

(i) The amount paid in such settlement.

(j) The amount, if any, paid for doctor's and hospital bills in connection with such injury.

(k) Whether the injured person was represented by an attorney.

(l) Whether any action at law had been brought by the injured person or his representatives to recover damages for said injury, and if so, the result of such action.

(m) What amount; if any, is carried as reserve for such case if loss is unadjusted. ('09 c. 234, § 1)

Historical.—"An act requiring all indemnity, casualty and employers' liability companies to make certain reports to the Minnesota Employees' Compensation Commission, of accidents to employees while engaged in industrial pursuits, and resulting in bodily injuries which shall become known, or reported to such companies, giving certain data and information concerning such accidents." Approved April 17, 1909.

By section 5 the act took effect June 1, 1909.

[1821—]5. Same—Report in 1910.—Every such indemnity, casualty and employers' liability company doing business in this state, shall on or before the 1st day of October, 1910, file with said Minnesota employees' compensation commission a written report, giving information similar to that required in section 1 [1821—4] hereof, but covering the period from July 1, 1908, to July 1, 1909. ('09 c. 234 § 2)

[1821—]6. Same—Penalty for refusal.—Failure or refusal on the part of any such corporation to make and file the reports required by the preceding two sections shall be ground for the suspension or revocation by the insurance commissioner of the certificate of authority of any such corporation to transact business within the state. ('09 c. 234 § 3)

[1821—]7. Report as evidence, etc.—No report herein required to be made, nor any part thereof, shall be admitted in evidence or referred to at the trial of any action, or in any judicial proceedings whatsoever, except prosecutions for the violation of this act. No such report, nor any part thereof, nor any copy of the same, nor any part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner by any official or clerk or other employé of the state having access thereto, but the same may be used for state investigations and statistics only. Any such disclosure is hereby declared to be a misdemeanor, and punishable as such. ('09 c. 234 § 4)

[1824—]1. Females employed in mercantile establishments—Hours.—No female shall be employed in laboring in a mercantile establishment more than fifty-eight hours in a week. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work which are required of them on each day of the week, the hours of commencing and stopping such work, and the hour when the time or times allowed for dinner or other meals begin and end. The printed form of such notice shall be furnished by the commissioner of labor. The employment of any such person for a longer time in any day than so stated shall be deemed a violation of the provisions of this section. ('09 c. 499 § 1)

Historical.—"An act prescribing hours of labor and time for meals for women and children in mercantile and manufacturing establishments; regulating the ventilation and sanitation of all manufacturing establishments and providing for the enforcement thereof." Approved April 24, 1909.

[1824—]2. Females employed in manufacturing, etc., establishments—Hours.—No female shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any

one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-eight in a week. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work, and the hours when the time allowed for meals begins and ends. The printed forms of such notices shall be provided by the commissioner of labor. The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on previous day of the same week in consequence of the stopping of machinery upon which he or she was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall overtime employment be authorized until a written report of the day and hour its occurrence and its duration is sent to the commissioner of labor. ('09 c. 499 § 2)

[1824—]3. **Noon day meal—Lunch.**—In each factory, workshop, store or mill at least sixty minutes shall be allowed for the noon day meal unless the commissioner of labor shall permit a shorter time. Such permit must be in writing and conspicuously posted in the main entrance of the factory and may be revoked at any time. Where employes are required or permitted to work more than one hour after six o'clock in the evening they shall be allowed at least twenty minutes to obtain lunch before beginning to work overtime. ('09 c. 499 § 3)

[1824—]4. **Cubic feet of air space.**—No more employes shall be required or permitted to work in a room in a factory than will allow to each of such employes, not less than two hundred and fifty cubic feet of air space; and unless by a written permit of the commissioner of labor, not less than four hundred cubic feet for each employe, so employed. ('09 c. 499 § 4)

[1824—]5. **Ventilation in factories.**—The owner, agent or lessee of a factory shall provide in each workroom thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation; if excessive heat be created or if steam, gases, vapors, dust or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein the room must be ventilated in such manner as to render them harmless, so far as is practicable; in case of failure the commissioner of labor shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall forfeit to the people of the state, ten dollars for each day after the expiration of such twenty days, to be recovered by the commissioner of labor. ('09 c. 499 § 5)

[1824—]6. **Factories to be limewashed, etc.—Penalties.**—Every factory and workshop in this state where women and children are employed and where dusty work is carried on shall be limewashed or painted at least once in every twelve months. Every floor of any room in said factory shall be thoroughly cleaned with soap and water at least once in six months and every dressing room and water closet in said factory shall be thoroughly cleaned with soap and water once in every week. Any employer, superintendent, owner or other agent of any mercantile establishment who violates any of the provisions of this chapter shall be guilty of a misdemeanor. ('09 c. 499 § 6)

INSPECTORS OF MINES.

[1824—]7. **Appointment — Term—Compensation—Removal.**—That the board of commissioners of any county in this state where there are at least five mines situate and in operation is hereby authorized and directed on or before the first day of July, 1905, to appoint an inspector of mines, who shall hold office for the term of three years or until his successor is appointed and qualified for the purpose of discharging the duties hereinafter prescribed; to fix the compensation and traveling expenses of such inspector and provide for the payment of the same, and to remove such inspector and appoint another in his place whenever in the judgment of said board the best interests of the owners and employes of such mines may so require, and to fill vacancies arising from any other cause than removal. ('05 c. 166 § 1)

Historical.—"An act to provide for the appointment of inspectors of mines in counties of this state, to prescribe their powers and duties, and to provide for their compensation and expenses." Approved April 13, 1905.

[1824—]8. **Qualifications—Salary and expenses—Oath—Bond.**—Such inspector of mines shall be at least twenty-five years of age, a citizen of the State of Minnesota and a resident of the county wherein he is appointed, shall be of good moral character and temperate habits, and shall have had previous to his appointment practical experience as a miner or otherwise engaged as an employé in mines of the state at least six years, or a mining engineer having had previous to his appointment at least two years' practical experience in iron mines and iron mining and having had at least one year's such experience in this state. He shall not while in office in any way be interested as an owner, operator, agent, stockholder or engineer of any mine. He shall make his residence or have his office in the mining district of the county for which he is appointed. The salary of the inspector of mines shall be such sum as shall be fixed by the board of county commissioners, not exceeding two thousand dollars per annum, and he shall in addition be allowed actual traveling expenses not exceeding three hundred dollars in any one year. He shall file with the county auditor an itemized account of his expenses every three months, verified by his affidavit, showing that they have been incurred in the discharge of his official duties. He shall, before entering upon the discharge of the duties of his office, take an oath before some person authorized by law to administer oaths that he will support the Constitution of the United States and the Constitution of the State of Minnesota and that he will faithfully, impartially and to the best of his ability, discharge the duties of his office, and he shall file a certificate of his having done so in the office of the auditor of the county for which he is appointed, and he shall also give a bond payable to said board of commissioners in the penal sum of five thousand dollars, with good and sufficient sureties to be approved by the board of county commissioners of the county for which he is appointed, conditioned that he will faithfully discharge the duties of his office, and said bond shall be filed with the county auditor of such county. ('05 c. 166 § 2)

[1824—]9. **Duties.**—The duties of the inspector of mines shall be to visit all the working mines of his county at least once in every ninety days and oftener if requested so to do as hereinafter provided, and closely inspect the mines so visited and condemn all such places where he shall find that the employes are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed,

and where there are ladder ways, where men must ascend or descend going to and from their work. In case the inspector of mines shall find that a place is dangerous from any cause as aforesaid, it shall be his duty immediately to order the men engaged in work at the said place to quit work, and he shall notify the superintendent, agent or person in charge, to secure the place from the existing danger, which said notification or order shall be in writing, and shall clearly define the limits of the dangerous place, and specify the work to be done, or change to be made to render the same secure, ordinary mine risks excepted. It shall also be the duty of the inspector of mines to command the person, persons or corporation working any mine, or the agent, superintendent, foreman or other person having immediate charge of the working of any mine, to furnish all shafts, open pits, caves and shutes of such mine where danger exists with some secure safeguard at the top of the shaft, open pit, cave or shute so as to guard against accidents by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary for the purpose of safety. Provided, that when any mine is idle or abandoned it shall be the duty of the inspector of mines to notify the person, persons or corporation owning the land on which any such mine is situated or the agent of such owner or owners, to erect and maintain around all the shafts, caves and open pits of such mine a fence of railing suitable to prevent persons or domestic animals from accidentally falling into said shafts, caves or open pits. Said notice shall be in writing and shall be served upon such owner, owners or agent, personally, or by leaving a copy at the residence of any such owner or agent if they or any of them reside in the county where such mine is situated, and if such owner, owners or agent are not residents of the county such notice may be given by publishing the same in one or more newspapers printed and circulating in said county if there be one and if no newspaper be published in said county then in a newspaper published in some adjoining county, for a period of three consecutive weeks. ('05 c. 166 § 3)

[1824—]10. **Requiring employes to work after order to quit—Liability of employer.**—If any person or persons are required to continue work in any place or places in which the inspector of mines has ordered employes to quit work as aforesaid, except to do such work as may have been by him required to be done in order to render such place or places safe, ordinary risks of mining excepted, the person or persons or corporation so requiring employes to work in such place or places shall be liable for all accidents causing injury or death to any employe arising by reason of such place or places not having been repaired or changed as required by said inspector. ('05 c. 166 § 4)

[1824—]11. **Powers of inspector—Duties of owner—Penalty.**—It shall be lawful for the inspector of mines to enter, examine and inspect any and all mines and machinery belonging thereto at all reasonable times by day or by night, but so as not to obstruct or hinder the necessary workings of such mines, and it shall be the duty of the owner, operator or agent of every such mine upon the request of the inspector of mines to furnish for his inspection all maps, drawings and plans of the mine, together with the plans of all contemplated changes in the manner of working the mine or any part thereof; to furnish him with some suitable person or persons as he may desire to accompany him through the mine or any part thereof, and also to furnish him suitable ladders and other necessary appliances to make a proper inspection and to furnish upon

request the inspector of mines with all necessary facilities for such entry, examination and inspection, and if the said owner, operator or agent aforesaid shall refuse to permit such inspection or to furnish the necessary facilities for such entry, examination and inspection and shall continue so to refuse or permit after written request therefor made by the inspector of mines, such refusal or neglect shall be deemed a gross misdemeanor and upon conviction therefor such owner, operator or agent shall be punished by a fine of not less than one hundred or more than five hundred dollars, for each and every offense. ('05 c. 166 § 5)

[1824—]12. Salary and expenses, how paid—Supplies.—The salary and expenses of the inspector of mines shall be paid out of the treasury of the county for which he is appointed by vouchers similar to those used by other county officials. The board of county commissioners shall furnish the inspector of mines with the necessary books, stationery and supplies. ('05 c. 166 § 6)

[1824—]13. Demand for inspection—Examination.—Whenever twenty or more persons working in any mine or place where mining is done, or the owner, operator or agent of any mine, shall notify the inspector of mines in writing that his services are needed, he shall immediately make an inspection thereof and shall examine as to the necessary precautions and general safety of the mines and see that all the provisions of this act are observed and strictly carried out. ('05 c. 166 § 7)

[1824—]14. Accidents—Duty of manager and inspector.—Whenever by reason of any accident in any mine, loss of life or serious personal injury shall occur, it shall be the duty of the manager or superintendent of the mine, and in his absence the person or officer under him in charge of the mine, to give notice thereof forthwith to the inspector of mines, stating the particulars of such accident, and the said inspector shall, if he deems it necessary from the facts reported, go immediately to the scene of such accident and make such suggestions and render such assistance as he may deem necessary in the premises and personally investigate the cause of such accident and take such steps as he may deem necessary for the safety of the employes of such mine and to prevent accidents of a like or similar nature. ('05 c. 166 § 8)

[1824—]15. Duty of owner—Supports, props, etc.—The owner, operators or agent of any mine shall at all times keep a sufficient and suitable supply of timber and logging on hand, when required to be used as supports, props or otherwise in the mining work, so that the workings of such mine may be rendered reasonably safe and secure. ('05 c. 166 § 9)

[1824—]16. Removal of fence, guard, etc.—Penalty.—Any workman, employé or other person who shall open, remove or disturb any fence, guard or rail and not close or replace or have the same closed or replaced again around or in front of any shaft, test pit, shute, excavation, cave or land liable to cave, injure or destroy, whereby accident, injury or damage results, either to the mine or those at work therein, or to any other person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment for not more than sixty days in the county jail for each and every such offense. ('05 c. 166 § 10)

[1824—]17. Annual report.—It shall be the duty of the inspector of mines appointed under this act to make and file no later than September 1st of each year with the auditor of the county for which he is appointed and with the state commissioner of labor a full and complete report of all his acts, proceedings and doing

hereunder for each year ending June thirtieth, stating therein, among other things, the number of visits and inspections made, the number of mines in operation, the number not in operation, the names of the mines, where located, the owners, lessees or managers, the names of the officers, the quantity of ore shipped, the number of men employed, the average wages for different kinds of work, the number of accidents, fatal or otherwise, the cause of such accidents, and such other information in relation to the subject of mines and mining inspection as he may deem of proper interest and beneficial to the mining interests of the state. Such report shall be included in the biennial report of the state commissioner of labor. ('05 c. 166 § 11)

[1824—]18. Violation by owner, etc.—Penalty.—Any owner, operator or agent of any mine in this state violating the provisions of this act shall be deemed guilty of a gross misdemeanor and for each offense upon conviction shall be fined not less than one hundred dollars or more than five hundred dollars. ('05 c. 166 § 12)

[1824—]19. Neglect of inspector—Penalty—Removal.—Any inspector of mines appointed hereunder failing to comply with the requirements of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than one hundred or more than one thousand dollars and be dismissed from office, and the said board of commissioners shall remove him from office for neglect of duty, drunkenness, incompetency, malfeasance in office and other good cause. ('05 c. 166 § 13)

EMPLOYMENT BUREAUS.

1825. License—Fee—Bond.—Any person desiring to conduct an employment bureau or agency, and to receive compensation for his services, shall be entitled to a license therefor upon compliance with the conditions of this section; but this subdivision shall apply to the employment of males only. Application for such license shall be made to the council of the city or village in which the agency is to be established, or, if outside a city or village, to the county board, and the applicant shall pay into the treasury a fee of one hundred dollars. He shall also deliver to such council or board a bond to the State in the sum of two thousand dollars, conditioned for the payment of all damages sustained by any person engaged by the obligor to labor for others, by reason of any authorized act, fraud or misrepresentation of the obligor or any of his agents or servants. The bond shall be filed with the city clerk, village recorder or county auditor, as the case may be. So long as the licensee continues to reside or maintain his office at the place mentioned in the license, he may engage in such business in any part of the state. (R. L. § 1825, as amended by Laws 1907, c. 368, § 1.)

1826. Memorandum of employment—Damages.—Such licensee shall enter in a book kept by him for the purpose, a memorandum of the terms of employment of every person engaged by him to work for another, showing the rate of wages, the kind of service, the period of employment, and the name and address of the person for whom the service is to be rendered. He shall furnish to each person so employed duplicate copies of such memorandum, one of which the latter shall deliver to his employer at the beginning of his service. Any person failing, by reason of any fraud, misrepresentation or want of authority on the part of such agency or bureau, to receive employment as provided in the memorandum, may sue and recover upon the bond all damages sustained by reason of such failure. Such licensee shall not, nor shall any agent, servant or other

person, acting for him or on his behalf, charge or receive, either directly or indirectly from any applicant for employment, a registration, application or other fee, except as herein provided. No fee or charge shall be received or made by any of said persons from such applicant for any purpose whatever, unless and until such licensee has a bona fide order from an employer for the services of such applicant: such order must be in writing, or appear in its chronological place in the order book of said licensee. He shall, upon the request of said applicant, at the time of, or at any time subsequent to receiving said fee, exhibit to said applicant, said order or order book: a refusal upon his part so to do shall be prima facie evidence that the taking of said fee was fraudulent and contrary to the provisions of this statute. Provided, however, that the provisions of this bill shall not apply to such employment agencies who deal mainly in the securing and furnishing of clerical positions. (R. L. § 1826, as amended by Laws 1909, c. 424, § 1.)

1827. Penalties.—Any person who shall violate any of the provisions or requirements set forth in sections 1825 or 1826 of said laws, as amended, shall be guilty of misdemeanor. (R. L. § 1827, as amended by Laws 1909, c. 424, § 1.)

[1827.—]1. Free public bureaus in cities having 50,000 inhabitants—Superintendents—Salary.—The commissioner of labor of the State of Minnesota is hereby directed to organize and establish in all cities in this state containing fifty thousand inhabitants, or more, free public employment bureaus, for the purpose of receiving applications from persons seeking employment, and applications from employers desiring to employ labor. There shall be no fee or compensation charged or received, directly or indirectly, from persons applying for employment, or from those desiring to employ labor through said bureaus. There shall be appointed by the commissioner of labor, for such bureaus, one superintendent, who may be removed by the commissioner for good and sufficient cause, such appointment to be made immediately after this act becomes a law, and thereafter at the commencement of the biennial session of the legislature the salary of such superintendent shall not exceed twelve hundred dollars per annum. ('07 c. 180 § 1)

Historical.—"An act to establish a free public employment bureau in cities of fifty thousand inhabitants, or over, and to provide for the conduct and maintenance of the same." Approved April 13, 1907.

Section 5 repeals acts in conflict therewith.

Laws 1905, c. 316, similarly entitled and containing substantially the same provisions, is superseded by this act.

[1827.—]2. Same—Duties of superintendent—Monthly report.—The superintendent of such bureaus shall cause to be received and recorded in books to be kept for that purpose, the names of all persons applying for employment, as well as the name and address of all persons, firms or corporations applying to employ labor, designating opposite the name and address of each applicant the character of employment desired or offered. Such superintendent shall also perform such other duties in the collection of labor statistics, and in the keeping of books and accounts of such bureaus as the commissioner may direct or require, and shall report monthly all business transacted by such bureaus to the office of the commissioner of labor, at the state capitol. ('07 c. 180 § 2)

[1827.—]3. Same—Applications for employment.—Every application for employment by employer or employé which is made to the free employment bureaus shall be void after thirty days from its receipt, unless the same be renewed by the applicant. When an applicant for labor has secured the same, he shall within ten days thereafter notify the superintendent of such bureaus upon a notification card provided for that purpose. If any such applicant neg-

lects to notify such superintendent, he or they shall be barred from all future rights and privileges of such employment bureaus at the discretion of the commissioner of labor, to whom the superintendent shall report such neglect. ('07 c. 180 § 3)

[1827—]4. **Annual appropriation.**—There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act. ('07 c. 180 § 4)

BOARD OF IMMIGRATION.

[1834—]1. **Board created.**—A board to be known as the Minnesota state board of immigration is hereby created. ('07 c. 267 § 1)

Historical.—"An act to create a board of immigration and for the support of such board." Approved April 20, 1907.

[1834—]2. **How constituted — Terms — Compensation.**—The said board shall be composed of five members. The governor, auditor of state, and secretary of state, shall be ex-officio members. The other two members shall be chosen by the three ex-officio members aforesaid. The term of office of said appointed members shall be two years and until their respective successors shall have been duly chosen and qualified, and they shall serve without any compensation whatsoever. Each member of the board shall be a citizen of the United States of America, and a resident of the State of Minnesota and a qualified elector. The governor shall, ex-officio, be chairman of said board. ('07 c. 267 § 2)

[1834—]3. **Commissioner of immigration—Term — Compensation—Oath—Bond—Other agents.**—The said board of immigration shall appoint a qualified elector of this state to be the general executive agent of said board, and such agent shall be officially known and styled, commissioner of immigration. The said commissioner of immigration shall hold office during the pleasure of said board, shall receive such compensation as said board shall determine, and shall perform such functions as said board may designate. Before entrance upon the duties of his office, the commissioner of immigration shall make and subscribe an oath of office in the usual form and shall execute and deliver to the governor a bond to the State of Minnesota, in the sum of ten thousand dollars, with sufficient sureties, to be approved by said board, conditioned upon the honest and faithful performance of his duties as such commissioner. The said board shall also employ such other servants and agents as in the judgment of said board shall be necessary, and shall define the duties, terms of service and compensation of the persons so employed. ('07 c. 267 § 3)

[1834—]4. **Office.**—The Minnesota state board of immigration shall be provided with an office and suitable furniture and stationery at the expense of the state. ('07 c. 267 § 4)

[1834—]5. **Duties of board—Annual report.**—The duties of said board of immigration, so far as practicable, shall be to collect and arrange statistics and other information in reference to the lands and general and special resources of the State of Minnesota, and the advantages of this state as a place of residence; to spread knowledge of the same throughout the civilized world by correspondence, by messengers and public lectures and by all forms of legitimate advertising; to facilitate the immigration of such persons of good moral character as may desire a change of domicile, and to answer all inquiries from persons residing within or without the state, upon the subjects aforesaid. At each session of the state legislature, the board shall make a report of all its transactions dur-

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SOLDIERS' HOME.

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ing the biennial period next preceding the first day of such session. ('07 c. 267 § 5)

[1834—]6. Advertising and disposal of public lands.—The Minnesota state board of immigration shall, in addition to the performance of the duties hereinbefore described, co-operate, as far as practicable, with the state land commissioner, in and about the advertising and disposal of public lands. ('07 c. 267 § 6)

CHAPTER 24.

SOLDIERS' HOME, RELIEF, ETC.

1835. [Superseded in part.]

See section next following, and note thereunder.

[1835—]1. Who may be admitted.—The object of the Soldiers' Home shall be to provide a home for all honorably discharged ex-soldiers, sailors and marines, who served in the army or navy of the United States during the War of the Rebellion, or the Mexican war, or in the war begun in the year one thousand eight hundred and ninety-eight between the kingdom of Spain and the United States, who now are or may hereafter become citizens of the State of Minnesota, who, by reason of wounds, disease, old age or infirmities are unable to earn their living, and who have no adequate means of support. No applicant shall be admitted to the Soldiers' Home who has not been a resident of the State of Minnesota for one year next preceding the time of making his application, unless he served in a Minnesota regiment, or was accredited to the State of Minnesota. All persons who are otherwise entitled under the provisions of this section to admission to said Soldiers' Home, who actually served in any campaign against the Indians, in Minnesota, in the year one thousand eight hundred and sixty-two shall be entitled to admission to such Soldiers' Home, notwithstanding such persons were not regularly enlisted, mustered into or discharged from the military service of the United States. The board of trustees are hereby authorized to admit wives with their husbands, and the widows or mothers of those who are, or if living would be, eligible to admission under this act, but no wife or widow shall be admitted unless she shall have been married to her soldier husband prior to the year 1890, and no wife, widow or mother shall be admitted unless she shall be fifty-five years of age and shall have been a resident of the State of Minnesota not less than five years next preceding the date of her application. (Laws 1887, c. 148, § 3, as amended by Laws 1899, c. 166, § 1, and Laws 1905, c. 222, § 1.)

Historical.—“An act to amend section 3 of chapter 148 of the General Laws of 1887 as amended by section 1 of chapter 166 of the General Laws of 1899, permitting the admission of wives, widows and mothers of soldiers to the Soldiers' Home.” Approved April 17, 1905.

The acts mentioned in the title were repealed by R. L. §§ 5537, 5543; the provisions of said amended section 3 being incorporated in section 1835. So far as the amended section above set forth differs from said section 1835, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

1836. Trustees—Bonds, etc.—Said trustees shall be appointed by the governor, with the consent of the senate, each for the term of six years, and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired terms. They shall receive no pay for their services, but the expenses necessarily incurred by them in the performance of their duties shall be paid by the state out of the moneys provided for the support of the home. Not more than four of the trustees shall be members of the same politi-