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GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

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tering the condition of working men, or for any act done in pursuance thereof, unless such act is in itself forbidden by law if done by a single individual. ('17 c. 493 § 5)

[3946—]6. **Not to curtail power of executive department or courts, when**—Nothing in this act shall hamper or curtail or in any manner take away the power of the executive department of government, or of the courts where there is threatened any irreparable injury to business or property by reason of violence, threats or other unlawful acts, or where criminal syndicalism, as hereinafter defined, or the acts constituting the same, are involved; and criminal syndicalism is hereby defined to be the doctrine which advocates crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial, social or political reform. ('17 c. 493 § 6)

CHAPTER 24

SOLDIERS' HOME, RELIEF, ETC.

3954. 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 1898 between the Kingdom of Spain and the United States, or the Philippine Insurrection, or the Boxer Rebellion, 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 1862 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 1905, and no wife or widow of any honorably discharged ex-soldiers, sailors and marines, who served in the army or navy of the United States in the war begun in the year 1898 between the Kingdom of Spain and the United States, or the Philippine Insurrection, or the Boxer Rebellion, shall be admitted unless she shall have been married to her soldier husband prior to the year 1916, and then only in the event that by reason of physical disabilities, infirmities or old age she is unable to support herself and has no other adequate means of support; and no wife, widow or mother shall be admitted unless she shall have been a resident of the State of Minnesota no less than five (5) years next preceding the date of her application, and no wife, widow or mother shall be admitted unless she shall have attained the age of 55 years at the time of making such application. Provided, however, that in case any such wife, widow or mother who had previously been a resident of Minnesota for not less than ten years, and who has lost her residence in this state by removal therefrom for the benefit of her health or the health of her husband or son, and who has returned to this state for the purpose of making it her home, may be admitted to said soldiers' home after having been a resident of this state for not less than one year next preceding the date of her application, provided such applicant is otherwise eligible to admission under the provisions of this

section, and provided further, that all soldiers of the Minnesota National Guard who heretofore or hereafter may lose an arm or leg or his sight, or may become permanently disabled from any cause while in the line and discharge of duty, and are not able to support themselves, may be admitted to the home under such rules and regulations as the board of trustees may adopt, and any soldier of the Minnesota National Guard suffering from illness or injury sustained from any cause in the line and discharge of military duty, shall be admitted to the soldiers' home hospital for medical treatment and hospital service until recovery from such illness or injury, under such rules and regulations as the board of trustees may adopt. ('87 c. 148 § 3, amended '99 c. 166 § 1; '05 c. 222 § 1; '15 c. 259 § 1; '17 c. 205 § 1)

3957. Trustees—Compensation—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 unexpired terms. They shall receive as compensation for their services in attending regular meetings of the board and regular meetings of the executive committee the sum of ten dollars (\$10.00) per day for each such meeting day so attended and in addition thereto the sum actually expended for railroad fare in traveling from the place of residence of such member to the place of meeting. Claims for such compensation shall be paid by the state treasurer from the money provided for the support of the Soldiers' Home upon itemized and verified vouchers approved by the president and secretary, after audit by the state auditor. Not more than four of the trustees shall be members of the same political party, and in the selection of trustees, officers of the home, and employes of the board, preference shall be given to honorably discharged soldiers, sailors and marines. Each trustee shall give a bond to the state in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties and the economical expenditure of the funds provided for hereunder. The trustee who shall be selected by the board as treasurer of the home shall give an additional bond to the state in such sum as may be designated by the board of trustees, conditional that such treasurer shall account for and pay over, according to the directions of said board, all moneys or other property which may come into his possession with the consent of the inmates from the inmates of such home as such treasurer. The surety on such treasurer's bond may be any surety company that is authorized to contract as such by the laws of this state, and the cost thereof shall be paid out of the home support fund. (Amended '07 c. 326; '17 c. 188 § 1)

MISCELLANEOUS PROVISIONS

3975. Peddler's license free—No license fee or other charge shall be required of 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, for the privilege of hawking or peddling goods and merchandise, not prohibited by law or ordinance, solely on his account. 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 violation hereof shall be deemed a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars. (Amended '17 c. 230 § 1)

Section 2 repeals inconsistent acts, etc.

3976. Preference in appointments—That in every public department and upon all public works in the state of Minnesota and the counties, cities and towns thereof, honorably discharged soldiers, sailors and marines from the army and navy of the United States in the late Civil and Spanish-American and Philippine Insurrection Wars and the China relief expedition, who are citizens and residents of this 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 or disability does 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 this act, 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 anyone to fill such position or place, make an investigation as to the qualifications of said 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 said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said soldier, sailor or marine to such position or place of employment.

A refusal to allow the preference provided for in this and the next succeeding section to any honorably discharged soldier, sailor, or a reduction of his compensation intended to bring about his resignation or discharge, entitled 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. ('07 c. 263 §§ 1, 2, 3, amended '17 c. 499 § 1)

This act does not apply to the position of deputy inspector of oils, as § 3620 expressly empowers the chief inspector to remove such deputies at pleasure (131-190, 154+947). Officers, 68.

3977. Same—Mandamus—Removals—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 of Minnesota 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, and the China relief expedition 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 employé 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 this act 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. ('07 c. 263 §§ 1, 2, 3, amended '17 c. 499 § 1)

[4000—]1. Disposition of First Minnesota Infantry Monument Fund—Whereas, at the muster out of the First Regiment of the Minnesota Volunteers in the spring of 1864 there remained in the hands of said regiment a fund which they had accumulated while at their winter quarters in "Camp Stone," Md., during the winter of 1861-2, by disposing of certain excess rations, which fund, at the time of their muster out, was turned over to the State Treasurer to be disposed of as afterwards directed;

And whereas said fund has been drawn on from time to time until the balance now remaining in the hands of the State Treasurer amounts to the sum of seven hundred sixty-two dollars and ten cents (\$762.10), as represented by a certificate of deposit issued by the State Bank of Slayton, Minnesota, under date of December 17, 1914, bearing interest at the rate of four per cent per annum, from date thereof, which fund is designated as "First Minnesota Infantry Monument Fund," which certificate is payable to the order of W. J. Smith, State Treasurer;

And whereas, the only use to which the same has heretofore been devoted has been to maintain and keep in good order the monuments erected on the Gettysburg battlefield and the copper flower urn erected in the Gettysburg cemetery, where fifty-five members of said regiment are buried;

And whereas, it has been found necessary to expend not more than sixteen dollars (\$16.00) annually for defraying the cost of keeping said monument and the ground on which it stands and the aforesaid urn in order;

Now, therefore, it is enacted, that all of said fund shall be transferred to the state revenue fund, and thereafter remain the property of the state; and there shall be paid by the State Treasurer, out of said revenue fund, on the

order of the president of the First Regimental Association, or on the order of the governor of the State of Minnesota, the sum of four hundred dollars (\$400), or so much thereof as may be necessary, to assist in defraying the expense of preparing and publishing the regimental history of said regiment, now being prepared, and there shall likewise be paid, annually, to the proper officers having in charge the maintenance on the Gettysburg battlefield of the aforesaid monuments and urn and the grounds on which they are situate, the sum of sixteen dollars (\$16), which annual payments shall be made on the order of the Adjutant General of the State of Minnesota, supported by proper vouchers, showing to whom and for what purpose said payments are to be made. ('15 c. 49)

CHAPTER 25

BOARD OF CONTROL AND CHARITIES UNDER ITS EXCLUSIVE MANAGEMENT

THE BOARD

4004. Institutions under exclusive control—The board shall have the exclusive management of the state prison, state reformatory, state training school for boys and girls, the school for the feeble-minded, the state hospital asylums for the insane, the state school for the blind, the state school for the deaf, the state public school for dependent children, the state hospital for indigent, crippled and deformed children, the state hospital for inebriates and except as otherwise provided by law, the state sanatorium for consumptives, the home school for girls and the state reformatory for women. All expenditures for or on account of said institutions shall be made out of the funds appropriated or provided for each respectively. (Amended '17 c. 343 § 1)

Section 2 amends § 4065.

By § 3 this act takes effect July 31, 1917.

4020. Investigation—Witnesses—Contempt—

Cited (131-116, 154+750).

4023. Same—Qualifications of agents—No one shall be appointed as such agent without having had previous experience in caring for the insane or feeble-minded at a hospital for the insane or school for the feeble-minded for a period of not less than one year. (Amended '17 c. 208 § 1)

[4033—]1. **Stationery, furniture, supplies, etc.—Purchasing agent**—It shall be the duty of the state board of control to purchase for all the governmental departments of the State of Minnesota, not now under the financial or exclusive management of said board, all stationery, furniture, supplies and equipment now or hereafter required by law to be furnished by the state, and for such purposes the board may appoint a purchasing agent and fix his compensation, who under its direction and subject to its rules, shall attend to such purchases. ('17 c. 174 § 1)

Section 2 repeals inconsistent acts, etc.

See § [3066—]7.

By § 3 this act takes effect July 1, 1917.

[4035—]1. **Buildings erected by state, etc.—Preference to materials produced in state, etc.**—That in any and all buildings hereafter erected by the State of Minnesota, or to the erection of which the State of Minnesota has granted aid, preference shall always be given in the erection thereof to materials produced or manufactured in the State of Minnesota by citizens or residents thereof wherever practicable; provided that in the building and erecting of foundations, steps, approaches, and the outer walls of any and all such buildings, materials produced and manufactured in the State of Minnesota by citizens and residents thereof only shall be used. Provided, that the provisions