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ATTORNEYS AT LAW

5685. Board of law examiners—Examinations—The Supreme Court shall by rule from time to time prescribe the qualifications of all applicants for admission to practice law in this state, and shall appoint a state board of law examiners, which shall be charged with the administration of such rules and regulations and with the examination of all applicants for admission to practice law. The board shall consist of not less than three nor more than seven attorneys at law, who shall be appointed each for the term of three years and until his successor qualifies. The Supreme Court may fill any vacancy in the board for the unexpired term and in its discretion may remove any member thereof. The board shall have a seal and shall keep a record of its proceedings of all applications for admission to practice and of persons admitted to practice upon its recommendation. At least three times a year the board shall have examinations and report the result thereof with its recommendations to the Supreme Court. Upon consideration of such report, the Supreme Court shall enter an order in the case of each person examined, directing the board to reject him or to issue to him a certificate of admission to practice. The board shall have such officers as may from time to time be prescribed and designated by the Supreme Court. The fee for examination shall be fixed from time to time by the Supreme Court, but shall not exceed twenty-five dollars. All fees received shall be paid to the state treasurer and shall constitute a special fund, which is hereby appropriated for the payment of compensation of the members of the said board of law examiners and for their expenses. Payments therefrom shall be made by the state treasurer, upon warrants of the state auditor issued upon vouchers signed by one of the justices of the Supreme Court. The members of the board shall have such compensation and such allowances for expenses as may from time to time be fixed by the Supreme Court. (R. L. '05 § 2278; G. S. '13 § 4945, amended '21 c. 161 § 1)

5686. Inconsistent acts repealed—All acts or parts of acts inconsistent with this act are hereby repealed. ('21 c. 161 § 2)

For act permitting students in College of Law of the University of Minnesota, who attended classes between September 9th, 1910, and May 13th, 1913, and who served in the army of the United States, to be admitted to practice without examination, See '23 c. 246.

5687. Unauthorized practice—Every person not duly admitted to practice, who shall appear as an attorney at law in any action or proceeding in a court of record, except in his own behalf when a party thereto, or who for any consideration shall give legal advice, or in any manner hold himself out as qualified to give it or as being an attorney at law, shall be guilty of a gross misdemeanor, of which the district court shall have sole original jurisdiction, and which the county attorney shall prosecute; but an attorney admitted to practice and residing in another state, who shall attend any term of court here for the purpose of trying or assisting in the trial or conduct of an action or proceeding therein pending, may be permitted to do so without being subject to such penalty. (2280) [4947]

Contract between layman and lawyer for division of fees received in cases brought to attorney by layman held void (108-362, 122+1).

See also 108-362, 122+1; 149-5, 182+773; 149-122, 182+988; 191+589.

5688. General duties—Every attorney at law shall:

1. Observe and carry out the terms of his oath.
2. Maintain the respect due to courts of justice and judicial officers.
3. Counsel or maintain such causes only as appear to him legal and just; but he shall not refuse to defend any person accused of a public offense.
4. Employ, for the maintenance of causes confided to him, such means only as are consistent with truth, and never seek to mislead the judges by any artifice or false statement of fact or law.
5. Keep inviolate the confidences of his client, abstain from offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness, unless the justice of his cause requires it.
6. Encourage the commencement or continuation of no action or proceeding from motives of passion or interest; nor shall he, for any consideration personal to himself, reject the cause of the defenseless or oppressed. (2281) [4948]

Subd. 2 (104-88, 116+212).
Subd. 5 (75-366, 77+987).

5689. Penalties for deceit, etc.—An attorney who, with intent to deceive a court or a party to an action or judicial proceeding, is guilty of or consents to any deceit or collusion, shall be guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, he shall be liable to the party injured in treble damages. If he permit any person not his general law partner to begin, prosecute, or defend an action or proceeding in his name, the attorney giving such permission, and every person so using his name, shall forfeit fifty dollars to the party against whom the action or proceeding is prosecuted or defended, recoverable in a civil action. (2282) [4949]

5690. Authority—An attorney may bind his client, at any stage of an action or proceeding, by agreement made in open court or in presence of the clerk, and entered in the minutes by such clerk, or made in writing and signed by such attorney. During any proceeding or action the attorney may receive money claimed therein by his client, and within two years after judgment, upon payment thereof, may discharge the claim or acknowledge satisfaction of the judgment; but all such authority shall cease upon the substitution of another attorney. (2283) [4950]

Authority to stipulate that action shall abide event of another action (48-53, 50+933); to waive verification of pleading (2-319, 273); to waive defences (6-136, 82); to stipulate for judgment against client (70-66, 72+816); to waive right to second trial in ejectment (39-355, 40+262); to satisfy judgment within two years of entry (21-51; 94-418, 103+215); to issue execution and receive money paid thereon (39-373, 40+254); to make admissions in conduct of litigation (14-333, 256); to protect judgment (23-518; 29-367, 13+194). No implied authority to compromise claim (see 6-526, 365; 25-267; 49-528, 52+140; 66-131, 68+845; 111-183, 126+731); or judgment (94-418, 103+215); to stipulate that client's property taken on execution be sold at private sale by person other than sheriff (21-56); to consent to an amendment of a complaint whereby a client sued in a representative capacity is rendered liable individually (60-485, 62+1230). Agreements out of court to be in writing (33-87, 22+4). Authority to bind infant client (48-53, 50+933). Effect of assignment of judgment (39-373, 40+254). Notices to be served on (23-518; 79-476, 82+990). Foreclosure of a mortgage not a "proceeding" within statute (53-346, 55+557). Authority ceases on entry of judgment against client (21-51; 23-518). Unauthorized acts of attorney acquiesced in by client binding on client (6-526, 365; 17-45, 27; 25-267; 63-272, 65+459). A stipulation improvidently, fraudulently or collusively made may be set aside in the discretion of the court (6-136, 82; 14-333, 256; 39-355, 40+

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262; 48-53, 50+933; 70-66, 72+816). An unauthorized stipulation may likewise be set aside (94-490, 103+501). A stipulation improvidently, fraudulently or collusively made, may be set aside in the discretion of the court (127-435, 149+671; 141-41, 169+272).

5691. Proof of authority—A court, upon motion and hearing, and when reasonable grounds are shown, may require any attorney to prove his authority to appear, and, until such proof is made, may stay all proceedings by him on behalf of the party he assumes to represent. At any stage of the proceedings the court may relieve a party from the consequences of the unauthorized acts of an attorney, and, upon motion, may summarily compel such attorney to repair any injury resulting therefrom. (2284) [4951]

1-241, 191; 19-174, 137.
Cited (109-110, 123+62).

5692. Consultation with persons restrained—All officers or persons having in their custody a person restrained of his liberty upon any charge or cause alleged, except in cases where imminent danger of escape exists, shall admit any resident attorney retained by or in behalf of the person restrained, or whom he may desire to consult, to a private interview at the place of custody. Such custodians, upon request of the person restrained, as soon as practicable, and before other proceeding shall be had, shall notify any attorney residing in the county of the request for a consultation with him. Every officer or person who shall violate any provision of this section shall be guilty of a misdemeanor, and, in addition to the punishment prescribed therefor, shall forfeit one hundred dollars to the person aggrieved, to be recovered in a civil action. (2285) [4952]

5693. Change of attorney—The attorney in an action or proceeding may be changed at any time upon his consent, or, by order of the court, upon the application of the client for cause; but no change can be made on application of the client unless the charges of the attorney be paid. When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties; until such notice, they shall recognize the former attorney. (2286) [4953]

11-72, 42; 21-51; 24-479, 495.
149-220, 183+144; 191+49.

5694. Disability—Non-resident clients—When the sole attorney of a party to any action or proceeding in any court of record dies, becomes insane, or is removed or suspended, the party for whom he appears shall appoint another attorney within ten days after the disability arises, and give immediate written notice of the substitution to the adverse party. If he fail to make substitution within such time, the adverse party, at least twenty days before taking further proceedings against him, shall give him written notice to appoint another attorney. Whenever, for any reason, the attorney for a party ceases to act, and the party has no known residence within the state, such notice may be served upon the clerk of the court. In case such party fails either to comply with the notice or appear in person within thirty days, he shall not be entitled to notice of subsequent proceedings in the case. (2287) [4954]

21-51, 55; 64-243, 66+988.

5695. Lien for attorneys fees extended—An attorney has a lien for his compensation whether the agreement therefor be express or implied:

1. Upon the papers of his client coming into his possession in the course of his employment.
2. Upon money in his hands belonging to his client.
3. Upon the cause of action from the time of the service of the summons therein, or the commencement of the proceeding, and upon the interest of his client in any money or property involved in or affected by any action or proceeding in which he may have been em-

ployed, from the commencement of said action or proceeding, and, as against third parties, from the time of filing the notice of such lien claim, as provided in this section.

4. Upon money or property in the hands of the adverse party to the action or proceeding in which the attorney was employed, from the time such party is given notice of the lien.

5. Upon a judgment, and, whether there be a special agreement as to compensation, or whether a lien is claimed for the reasonable value of the services, the lien shall extend to the amount thereof from the time of giving notice of his claim to the judgment debtor, but this lien is subordinate to the rights existing between the parties to the action or proceedings.

6. The liens provided by subdivisions 3, 4 and 5 of this section may be established, and the amount thereof determined, by the court, summarily, in the action or proceeding, on the application of the lien claimant or of any person or party interested in the property subject to such lien, on such notice to all parties interested therein as the court may, by order to show cause, prescribe; or, such liens may be enforced, and the amount thereof determined, by the court, in an action for equitable relief brought for that purpose.

Judgment shall be entered under the direction of the court, adjudging the amount due and the sale of the property subjected to the lien, or some part thereof, to satisfy said amount, and directing the sheriff to proceed to sell the same according to the provisions of law relating to the sale of real estate on execution, and to make report to the court.

A certified transcript of the judgment shall be delivered to the sheriff, and shall be his authority for making the sale.

If the property so sold is real estate, the same shall be subject to redemption in the manner provided by law for redemption of real property sold on execution.

Such liens shall not affect the right of bona fide purchasers or encumbrances of the property subject thereto, for value and without notice; but a duly verified notice of intention to claim such lien, specifying the property on which the lien is claimed, and the amount thereof, if under express agreement, or, if not, then the reasonable value of the services for which such lien is claimed, filed as herein provided, shall charge subsequent purchasers and encumbrancers of such property with notice of said lien from the time of such filing.

If the lien is claimed on the client's interest in real estate involved in or affected by the action or proceeding, such notice of intention to claim a lien thereon shall be filed in the office of the register of deeds in and for the county within which the same is situated. If the lien is claimed on personal property said notice shall be filed in the same manner as provided by law for the filing of chattel mortgages. (R. L. '05 § 2288; G. S. '13 § 4955, amended '17 c. 98)

Subd. 1 (96-456, 105+485, 489). Subd. 2 (83-512, 86+775). Subd. 3 (New. See 53-249, 54+1108; 86-480, 91+12; 97-51, 106+104; 102-307, 113+701; 108-41, 121+418; 114-362, 131+463; 118-198, 136+747). Subd. 4 (8-303, 267; 21-412; 86-271, 90+402; 86-480, 91+12). Subd. 5 (1-270, 205; 8-303, 267; 31-201, 17+337; 39-373, 40+254; 42-234, 44+11; 51-73, 52+970; 64-46, 65+931; 68-328, 332, 71+395, 72+71; 79-390, 82+653; 102-307, 113+701).
128-354, 151+123; 129-279, 152+413.
131-102, 154+962; 140-504, 167+423.
142-433, 172+496; 143-251, 173+429.
147-21, 179+483; 147-186, 179+890.
150-103, 184+673; 246 U. S. 632.

Proceedings under Workman's Compensation Act not governed by this act (191+742). Where the attorney claims a lien under subdivisions 1 or 2 on money or property of his client, in his own possession and control, he cannot resort to the summary proceeding furnished by subdivision 6 for the enforcement of liens arising under subdivisions 3, 4, and 5 (197+110).

5696. Refusal to surrender property to clients—Whenever an attorney shall refuse to deliver money or

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230nw 113
237nw 190
See 9287
See 9311

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211-NW 462

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papers to a person from or for whom he has received them in the course of his professional employment, he may be required to do so by an order of court. Such order may be granted by the court in which the action was prosecuted, or, if no action was prosecuted, by the district court of the county where he resides, or by the supreme court, and may require him to make delivery within a time specified, or show cause why he should not be punished for contempt. If the attorney claims a lien upon the property, the court may:

1. As a condition of making the order, require the client to give security, in form and amount as directed, to satisfy the lien when determined in an action; or

2. Summarily inquire into and determine the facts upon which the lien claim is founded; or

3. Direct a trial of the controversy by a jury, or refer it, and determine the same upon the verdict or report as in other cases. (2289) [4956]

86-271, 274, 90+402; 94-418, 103+215; 108-41, 121+418, 122-87, 141+1103; 137-102, 162+1063; 145-404, 177+629; 148-479, 181+319; 151-517, 187+710; 197+110.

5697. Removal or suspension of attorney—1. An attorney at law may be removed or suspended by the Supreme Court for any one of the following causes arising after his admission to practice:

(A) Upon his being convicted of felony, or of a misdemeanor involving moral turpitude; in either of which cases the record of conviction shall be conclusive evidence.

(B) Upon a showing that he has knowingly signed a frivolous pleading, or been guilty of any deceit or wilful misconduct in his profession.

(C) For wilful disobedience of an order of court requiring him to do or forbear an act connected with or in the course of his profession.

(D) For a wilful violation of his oath, or of any duty imposed upon an attorney by law.

2. Proceedings in such cases may be taken by the Supreme Court on its own motion, for matter within its knowledge, or upon accusation. No such proceeding for the removal or suspension of an attorney at law shall be instituted unless commenced within the period of two years from the date of the commission of the offense or misconduct complained of, or within one year after the discovery thereof. Accusations may be made to clerk of Supreme Court and shall be investigated, prosecuted, heard and determined in accordance with rules which may be made from time to time by the Supreme Court. The Supreme Court may refer any accusation to any person, and such person shall have all the powers of a referee under Section 7823, General Statutes 1913, objections to such referee may be filed within ten days of the appointment and shall be heard and determined by the Supreme Court. The referee shall report the evidence, and if directed by the Supreme Court shall make findings thereon. Persons designated by the Supreme Court under the authority of this section shall be paid their necessary expenses and such compensation as shall be fixed by the Supreme Court. Officers and witnesses necessarily employed or called by the prosecution shall receive the fees and mileage allowed by law and the Supreme Court shall fix a reasonable compensation for the reporter. All expenses, fees and compensation herein authorized shall be paid by the state out of any money in the general revenue fund not otherwise appropriated, upon itemized vouchers approved by one of the justices of the Supreme Court. (R. L. '05 § 2290; G. S. '13 § 4957, amended '21 c. 334 § 1)

Subd. 1 (66-9, 68+1102); 124-528, 144+1134; 124-529, 144+1135; 123-54, 142+929. Subd. 2 (26-25, 1+43; 33-343, 23+463; 73-292, 76+38; 88-31, 92+466; 93-131, 100+645; 93-160, 100+684; 93-44, 107+144; 100-76, 110+341; 103-522, 114+1133; 104-88, 116+212). Subd. 4 (3-274, 188; 93-425, 101+613). 123-54, 142+929; 122-490, 142+733; 146-80, 177+801.

CERTIFIED ACCOUNTANTS

5698. Board of accountancy—That a board of examiners, to be known as the state board of accountancy, is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall consist of three citizens of this state to be appointed by the governor and who, with the exception of the members first to be appointed, shall be the holders of certificates issued under the provisions of this act and shall hold office for the term of three years and until their successors are appointed and qualified. The first members of said board shall be skilled in the practice of accounting, and shall for a period of three years next preceding their appointment, have been actively engaged therein, in this state, on their own account, and shall hold office, one for the term of three years from the date of his appointment, one for the term of two years, and one for the term of one year. The term of office of each is to be designated by the governor in his appointment, and upon the expiration of each term of its members, the governor shall appoint one member of said board as herein provided for a term of three years. ('09 c. 439 § 1) [4962]

5699. Officers — Duties — Examinations—Report—The persons appointed as members of this board shall meet and organize within thirty (30) days after their appointment. A majority of said board shall constitute a quorum. They shall appoint one of their number as a chairman, another as a secretary and another as treasurer, or may appoint one member to serve as both secretary and treasurer, and said officers shall hold their respective offices for a term of one year and until their successors are elected. In the absence of the chairman or secretary, the board may appoint a chairman pro tem., or a temporary secretary. The affirmative vote of two members of said board shall be considered as the action of said board. Said board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of moral character and general public experience as prescribed in this act in all examinations conducted hereunder. The board shall make rules and regulations for the conduct of applicants' examinations and the character of such examinations and scope, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of this act. All such examinations shall be conducted by said state board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper, published in each of the counties where the examinations are to be held, and not less than twenty days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board, but not less than once in each year. Said board shall keep records of their proceedings, an accurate list of all applications made, certificates issued, certificates registered and certificates revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements of said board. Said board shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, and said seal shall be affixed to each certificate issued or registered under this act. All records of said board shall be open to the inspection of the public at the office of the secretary of the board. Said board shall report annually to the governor in the month of December, as follows:

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M 448
NW 107
NW 678

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173m 297
217nw 356
223nw 921

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177m 203
225nw 97
6965

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178m 547
183m 220
227nw 892
236nw 324
238nw 690

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244nw 414

5697a
33-79
243nw 386
246nw 467

- (a) Its receipts and disbursements.
- (b) Names of persons to whom certificates have been issued.
- (c) Names of all persons whose certificates have been revoked.
- (d) Recommendations, if any, for new legislation, and such other matters as the board may deem proper. ('09 c. 439 § 2) [4963]

5700. Certificate granted, to whom—No certificate for a certified public accountant shall be granted to any person other than a citizen of the United States, or person who has in good faith duly declared his intention of becoming such citizen, and is over the age of twenty-one years and of good moral character and (except under the provisions of section 4 [5701] of this act) who shall have successfully passed an examination in "Accounting," "Auditing" and "Commercial Law," affecting accountancy, and on such other subjects as the board may deem advisable. No person shall be permitted to take such examination unless he shall for a period of at least three years have been employed in the office of a "public accountant" as an assistant, or shall have been practicing as a public accountant on his own account, and who shall not at least three years prior to the date of said examination have successfully passed an examination in such subjects as may be prescribed by the board, touching his general education, qualification and fitness for an accountant; provided, that said board may, in its discretion, waive the preliminary examination of an applicant who, in its opinion, has had a general education equivalent to that which may be prescribed by its rules and is otherwise qualified. ('09 c. 439 § 3) [4964]

127-150, 149+9; 121-296, 141+181.

5701. Certificate without examination, to whom—Said state board of accountancy may, in its discretion, waive the examination of and may issue a certificate for certified public accountant to any person possessing the qualifications mentioned in section 3 [5700] of this act, who

(1) Is the holder of a C. P. A. certificate, issued under the laws of another state, which extends similar privileges to certified public accountants of this state, provided the requirements for said degree in the state which has granted it to the applicants are, in the opinion of the state board of accountancy, equivalent to those herein provided; or who

(2) Shall be the holder of a degree of certified public accountant or chartered accountant, or the equivalent thereof, issued in any foreign government, provided that the requirements for such degree are equivalent to those herein provided for the degree of certified public accountant; or who

(3) For more than three consecutive years next preceding the passage of this act shall have been practicing in this state on his own account as a public accountant, and who shall apply in writing to the board for such certificate within six months after the passage of this act. ('09 c. 439 § 4) [4965]

5702. Holder of certificate, how styled—Any person who has received from said state board of accountancy a certificate of his qualifications to practice as a public accountant as herein provided shall be known and styled a "Certified Public Accountant"; and no other person, and no partnership, all of its members who have not received such certificate, and no corporation shall assume such title or the title of "Certified Accountant," or the abbreviations "C. P. A." or any other words, letters or abbreviations tending to indicate that the person, firm or corporation so using the same is a certified public accountant. ('09 c. 439 § 5) [4966]

5703. Fee for examination and certificate—Said state board of accountancy shall charge for each ex-

amination and certificate provided for in this act a fee of twenty-five dollars to meet the expenses of such examination. This fee shall be payable by the applicant at the time of making his initial application, and shall not be refunded, and no additional charge shall be made for the issuance of a certificate to any applicant. From the fees collected under this act, the board shall pay all expenses incident to the examinations, hearings and expense of issuing certificates, traveling expenses of the members of the board while performing their duties under this act shall be a charge against the funds of this state. The members of said board of accountancy shall be paid all necessary expenses incurred in the performance of the duties under this act. ('09 c. 439 § 6) [4967]

5704. Revocation of certificate—Said state board of accountancy may revoke any certificate issued under this act or may cancel the registration of any certificate issued under this act for bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct; provided, a written notice shall have been mailed to the holder of such certificate at least twenty days before any hearing thereon, stating the cause for such contemplated action and appointing a time and place for a hearing thereon by the state board of accountancy, and further provided, that no certificate issued under this act shall be revoked until an opportunity for such hearing shall have been afforded. At all such hearings, the attorney general of this state, or one of his assistants designated by him, shall attend. Certificates issued or registered under this act shall be surrendered to the state board of accountancy on their revocation by said board. ('09 c. 439 § 7) [4968]

5705. Penalty for violation—Any violation shall be a "gross misdemeanor." ('09 c. 439 § 8) [4969]

PHYSICIANS AND SURGEONS 27 5706-07 188

5706. Board of medical examiners—The state board of medical examiners shall consist of nine qualified resident physicians appointed by the governor for the term of three years and until his successor qualifies. No instructor or person financially interested in a medical school shall be appointed thereto; and it shall at all times include three homeopathic physicians. Vacancies shall be filled by like appointment for the unexpired term. The board shall elect from among their number a president, a secretary, and a treasury, and shall adopt a seal. It shall hold examinations at the seat of government on the first Tuesday in January, April, June and October of each year, and at such other times as it shall deem best. The secretary shall keep a record of all its proceedings, including a register of all applicants for license, giving their ages, a description of their education in medicine, and the result of their examination. Said books and registers shall be prima facie evidence of all of the matters therein recorded. (R. L. '05 § 2295; G. S. '13 § 4970; amended '21 c. 68 § 1)

Physician defined (102-346, 113+690).

5707. Examination and license—A person not already authorized to practice medicine in the state, and desiring so to do, shall apply to the secretary of the board for examination, and pay a fee of ten dollars for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove that he has completed four entire sessions of twenty-six weeks each at a medical school recognized by the board, no two sessions having been held in one year; or, if such attendance was prior to the year 1899, three sessions shall suffice. He shall be examined in anatomy, chemistry, histology, obstetrics, pathology, physiology, preventative medicine, the

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diagnosis and treatment of medical and surgical diseases, and such other branches as the board shall deem advisable. After such examination the board, if seven members thereof consent, shall grant him a license to practice medicine. The examination shall be both scientific and practical, and shall thoroughly test the fitness of the candidate. All answers concerning the treatment peculiar to any school of medicine shall be examined, and their sufficiency passed upon by the members of the board belonging to that school and their recommendations thereon shall be final. The board may refuse to grant a license to, or may revoke the license of, any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant to appeal to the district court in the proper county on the question of law and fact. (R. L. § 2296, amended '09 c. 474 § 1) [4971]

41-69, 42+696: 55-20, 56+256.
Not unconstitutional, as depriving of property without due process (109-360, 123+1074). Must be construed with other sections of Revised Laws. Did not authorize appeal from refusal of license applied for by physician from another state (120-313, 139+500). License fees received by the secretary and treasurer of the state board of medical examiners under this act may be retained by the board, notwithstanding § 111, requiring executive officers to pay all fees and charges received by them into the state treasury (124-151, 144+755).

5708. **Physicians from other states, how licensed**—The board, either with or without examination, upon receipt of a fee of ten dollars, may grant a license to any physician licensed to practice by the similar board of another state. (2297) [4972]

See following section.
Cited (120-313, 139+500).

5709. **May license, without examination, physician passed by national board of medical examiners**—That the state medical examining board, either with or without examination, may grant a license to any physician licensed to practice by a similar board of another state, and who holds a certificate of registration showing that an examination has been made by the proper board of any state in which an average grade of not less than seventy-five (75) per cent was awarded to the holder thereof, the said applicant and holder of such certificate having been at the time of said examination the legal possessor of a diploma from a medical college in good standing in this state, which said diploma may be accepted in lieu of an examination as evidence of qualification. In case the scope of said examination was less than that prescribed by this state the applicant may be required to submit to an examination in such subjects as have not been covered. The fee for such examination shall be fifty dollars (\$50.00).

A certificate of registration or license issued by the proper board of any state may be accepted as evidence of qualification for registration in this state; provided, the holder thereof was at the time of such registration the legal possessor of a diploma issued by a medical college in good standing in this state and that the date thereof was prior to the legal requirements of the examination test in this state.

Said board may also, either with or without examination, grant a license to any physician who has satisfactorily passed the examinations given by the national board of medical examiners; provided further, that any physician licensed in any state who is a graduate of a recognized medical college, and who shall have served in overseas service in the army or navy of the United States for a period of not less than six months, and upon a payment of a fee of twenty-five dollars (\$25.00), and upon a proper showing of such service and license by said applicant, shall be licensed to practice as a physician and surgeon in this state without further examination, and, provided further, that such application for such license shall be made within one year from the taking effect of this act.

('05 c. 236, amended '13 c. 139 § 1; '19 c. 251 § 1) [4973]

Action of examiners in refusing to grant license to physician from another state, applied for under 1905 c. 236 not appealable (120-313, 139+500; 124-151, 144+755).

5710. **Retaliatory provisions**—If by the laws of any state or the rulings or decisions of the appropriate officers or boards thereof, any burden, obligation, requirement, disqualification or disability is put upon physicians registered in this state or holding diplomas from medical colleges in this state which are in good standing therein, affecting the right of said physicians to be registered or admitted to practice in said state, then the same or like burdens, obligations, requirements, disqualification, or disability shall be put upon the registration in this state of physicians registered in said state or holding diplomas from medical colleges situated therein. ('05 c. 236, amended '13 c. 139 § 2) [4974]

120-313, 139+500.

5711. **Refusing and revoking license**—The board may refuse to grant a license to, or may revoke the license of, any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant to appeal to the district court in the proper county on the question of law and fact. ('05 c. 236, amended '13 c. 139 § 3) [4975]

5712. **Duty of secretary—Moneys how paid—Compensation, expenses, etc.**—The secretary of the board shall provide the board with blanks, books, certificates and such stationery as is necessary for the transaction of the business pertaining to its duties, and all money received by the secretary shall be paid into the state treasury quarterly. The secretary of the board shall give a bond in the sum of ten thousand dollars (\$10,000) to the state of Minnesota for the faithful performance of his duties. The members of the board shall receive as compensation for their services the sum of ten dollars (\$10) per day, to be fixed by the board for each day he is in actual attendance at regular and special meetings of said board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in attending such meetings. The secretary shall receive a salary of eighteen hundred dollars (\$1,800) per annum and the stenographer to the secretary a salary of nine hundred dollars (\$900) per annum, payable monthly; and the sum of eight hundred dollars (\$800) per annum shall be allowed the secretary for blanks, stationery, printing and the maintenance of the office. The salary and expenses of the members of the board shall be paid quarterly and the compensation and expenses of the secretary semi-annually by the state treasurer on warrants signed by the president and secretary, drawn by the state auditor on the state treasurer. ('05 c. 236, amended '13 c. 139 § 4; '21 c. 68 § 2) [4976]

5713. **Licensing of itinerant physicians by state board**—That any physician practicing medicine surgery or obstetrics, or professing or attempting to treat, cure or heal diseases, ailments or injuries by any medicine, appliance or method, who by himself, agent or employe goes from place to place, or from house to house, or by circular letters or advertisement, solicits persons to meet him for professional treatment at places other than his regular offices or residence, shall be considered an itinerant physician. Any such itinerant physician shall, in addition to his regular license to practice medicine in this state, procure from the state board of medical examiners, a license as an itinerant physician. Any physician licensed to practice in this state desiring to secure a license as an itinerant physician, shall make an application therefor to the

state board of medical examiners, setting forth in detail such information as said board may require. Said board shall examine into said application, the qualification, character and reputation of the applicant and the question as to whether the public interest will be subserved by the granting of such itinerant license and if it shall determine that such license should be granted, it shall pass a resolution to that effect, to be spread upon its minutes and upon the payment of \$300 to the secretary of said board, an itinerant physician's license shall be issued to said applicant for a period of one year from the date thereof; said secretary shall forthwith pay said license fee into the state treasury, for the use of the Board.

The board may cancel any itinerant physician's license so issued by it upon satisfactory evidence of the incompetency or gross immorality of the licensee. ('11 c. 260 § 1, amended '17 c. 362 § 1) [4977]

5714. Offenses—Any person practicing medicine as an itinerant physician as defined in section 1 (5713) hereof, without first having procured such license therefor shall be guilty of a gross misdemeanor;

Provided, however, that nothing herein shall be considered to prevent any physician otherwise legally qualified, from attending patients in any part of the state to whom he shall be called in the regular course of business or in consultation with other physicians;

Provided, that nothing in this act shall preclude licensed dentists or optometrists from practice of their profession. ('11 c. 260 § 1, amended '17 c. 362 § 1) [4978]

5715. Record of licenses—Report to secretary—Before engaging in practice, the holder of a license shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there file his license in like manner before engaging in practice therein. Such clerk shall keep, in the record book of such licenses, an index thereof, showing the date and page of record, and in January of each year shall furnish to the secretary of the board a list of licenses so filed. Upon notice to the clerk of the death or removal of a licensee, or of the revocation of a license, he shall note the same upon the record of such license. (2298) [4979]

Cited (124-151, 174+755).

5716. Exemptions—This subdivision shall not apply to commissioned surgeons of the United States army or navy, to physicians from other states in actual consultation here, or to students practicing under the direct supervision of a preceptor while they are enrolled in and regularly attending a recognized medical school. (2299) [4980]

G. S. 1894 § 7895 cited (96-509, 105+188).
124-151, 144+755.

5717. Practicing without license—Every person not heretofore authorized by law so to do who shall practice medicine in the state without having obtained the license herein provided for, and every person who shall so practice contrary to any provision of this subdivision, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars, or imprisonment for ten days. Any person shall be regarded as practicing within the meaning of this subdivision, who shall append the letters "M. D." or "M. B." to his name, or for a fee prescribe, direct or recommend for the use of any person any drug or medicine or other agency for the treatment or relief of any wound, fracture or bodily injury, infirmity or disease: Provided that this section shall not apply to dentists. (2300) [4981]

Gist of offense (96-509, 105+188).
140-190, 167+553; 144-437, 175+915.

5718. Physicians and surgeons prohibited from splitting fees—It shall be unlawful for any physician

or surgeon to divide fees with, or to promise to pay a part of his fee to, or pay a commission to any other physician or surgeon or person who calls him in consultation or sends patients to him for treatment or operation. ('17 c. 365 § 1)

5719. Punishment for violation—Any physician or surgeon who pays or receives any money prohibited by this act shall be punished by a fine of not to exceed one hundred (\$100) dollars or imprisonment in the county jail not to exceed ninety (90) days. ('17 c. 365 § 2)

5720. Revocation of license—In case a physician or surgeon shall be convicted of violating any of the provisions of this act, the state board of medical examiners upon a first conviction may, and upon a subsequent conviction shall revoke the license of the person so convicted, but such revocation shall be subject to the right of the person whose license has been so revoked, to appeal to the district court of the proper county on questions of law and fact. ('17 c. 365 § 3)

MIDWIVES

5721. Midwifery defined—Within the meaning of this subdivision, a person who shall publicly profess to be a midwife, or who for a fee shall attend to women in childbirth, shall be regarded as practicing midwifery. But nothing herein shall apply to gratuitous emergency services, or to authorized medical practitioners. (2301) [4982]

5722. Midwifery licenses—A person desiring to practice midwifery in the state, if not already authorized so to do, shall apply to the state board of medical examiners for a license. Such license shall be granted upon the production of a diploma from a school of midwifery recognized by the board, or, after examination of the applicant, upon the consent of seven members thereof. Examinations shall be held concurrently with those provided for applicants for physicians' licenses. The fee for a license granted on diploma shall be one dollar, and on examination two dollars. (2302) [4983]

Fees received under this act may be retained by the board, notwithstanding § 111, requiring executive officers to pay into the state treasury fees and charges received by them (124-151, 144+755).

5723. Renewal, revocation, and refusal—All licenses to practice midwifery, heretofore or hereafter issued by the board must be annually renewed, and a fee of one dollar be paid for each renewal. Licenses may be revoked or renewals thereof refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases. (2303) [4984]

MATERNITY HOSPITALS

See Board of Control, Ex. Sess. '19 c. 50. G. S. '13 §§ 4985-4992 were repealed by '17 c. 212 which was declared void because containing more than one subject (143-137, 173+402).

CHIROPRACTORS

5724. State board of chiropractic examiners—There is hereby created and established a board to be known by the name and style of State Board of Chiropractic Examiners. ('19 c. 64 § 1)

5725. Definition—For the purpose of this act, chiropractic is hereby defined as being the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function. ('19 c. 64 § 2)

5726. Appointment of board by governor and qualifications—That within thirty days after the passage of this act, the governor shall appoint a state board of chiropractic examiners, consisting of five resident

chiropractors, who shall have practiced chiropractic in this state at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course in chiropractic, but no two of whom shall be a graduate of the same school or college of chiropractic; one to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, and one to serve for five years, and until their successors are appointed and qualified, and one every year thereafter to the end that each member shall serve five years after the first appointment. Vacancies caused by death or otherwise shall be filled by the governor within sixty (60) days. No member of said board shall be financially interested in any chiropractic school or college, or be in any way affiliated with the practice of other methods of healing as are now regulated by law in the state of Minnesota. ('19 c. 64 § 3).

5727. Organization and procedure—Said board shall, within thirty days after being so appointed, assemble at the Capitol building in St. Paul, Minnesota, and then and there organize by electing a president, vice president and a secretary-treasurer to serve for one year, or until their successors are elected and qualified. The officers of the board shall have power to administer oaths, summon witnesses and take testimony as to matters pertaining to its duties. They shall adopt a minimum of educational requirements not inconsistent with the provisions of this law, which shall be without prejudice, partiality or discrimination as to the different schools or colleges of chiropractic. Said board shall meet twice in each year on the first Tuesday of the month of March and September, and at such other times as the majority of the board may deem proper. Three members shall constitute a quorum for the transaction of business. The secretary shall keep a record of its proceedings. Said report shall be prima facie evidence of all matters therein recorded. Within thirty days after the organization of said board it shall notify all persons known to be engaged in the practice of chiropractic in this state of the provisions of this act by publishing notice of this act in one issue of a daily paper in each of the cities of St. Paul, Minneapolis and Duluth, such publication to be made within thirty days after the organization of said board. ('19 c. 64 § 4)

5728. License and fee—Necessary qualifications—At its first meeting the board members shall issue to the members thereof a license to practice chiropractic, for which each member shall pay a fee of twenty-five dollars (\$25.00). Said board shall have a common seal and shall formulate rules to govern its actions. All persons who have been engaged in the practice of chiropractic in this state six months or more immediately prior to the passage of this act, shall within sixty days after its passage, make a personal or written application to the board of examiners for a license to practice. All applicants shall be required to furnish documentary evidence of having completed his or her course in chiropractic; also an affidavit signed by three citizens who reside in the town or city in which applicant practices, setting forth that the applicant is a resident of this state and has practiced chiropractic six months or more, immediately prior to the passage of this act, and upon payment of a fee of twenty-five dollars (\$25.00) the board shall issue the applicant a license to practice chiropractic. Provided, however, that any chiropractor who was actually engaged in the practice of chiropractic in the state of Minnesota at the time of his enlistment in the organized military or naval service of the United States, or of any allied power friendly to the United States during the late

war, may make the application hereinbefore provided for within sixty days after the passage of this act, or in case of his discharge subsequent to the passage of this act, then within sixty days after his discharge. ('19 c. 64 § 5)

5729. Examination of applicants—Any person desiring to commence the practice of chiropractic in this state after the passage of this act, or who shall not have been practicing in this state six months immediately prior to the passage of this act, shall make a written application to the secretary of the board for a license and appear at its first regular meeting thereafter. The applicant shall furnish evidence of having completed a high school course, or its equivalent, and taken a three-year resident course of eight months each, or more, no two of which courses shall be taken in any one year, in a chartered school or college of chiropractic, wherein the curriculum of studies includes instruction in the following branches to-wit: anatomy, physiology, symptomatology, pathology, hygiene, dietetics, gynecology, diagnosis, urinalysis, chiropractic orthopedy, intellectual adaptation and the science and art of chiropractic. An examination for a license shall be in writing. The applicant shall be required to give practical demonstration in vertebral palpation, nerve tracing and adjusting. A license countersigned by the members of the board and authenticated by the seal thereof, shall be granted to each applicant who shall correctly answer seventy-five per centum (75%) of the questions propounded in each of the above subjects. All applications shall be accompanied with a fee of twenty-five dollars (\$25.00). Such fee shall not be returned in the event of failure to pass, but the applicant may, within six months, present himself for examination without the payment of an additional fee. Provided, however, that such examination may be waived as to any person who has been licensed to practice chiropractic in another state whose requirements are equal to the provisions of this act, upon the payment of a fee of twenty-five dollars (\$25.00). ('19 c. 64 § 6)

5730. Renewal fee—Fees to be paid to state treasurer—Report—(a) All persons practicing chiropractic within this state shall pay on or before the first day of September of every second year after a license is issued to them as herein provided, to said board of chiropractic examiners a renewal fee of five (5) dollars. The secretary-treasurer shall, thirty days or more before September first of every second year mail to all chiropractors in this state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in this act shall be construed so as to require that the renewal receipts shall be recorded as original licenses are required to be recorded.

(b) All fees received by said board under this act shall be paid to the secretary-treasurer, who shall forthwith deposit the same with the state treasurer in a separate fund of the state board of chiropractic examiners for their use and shall pay the same out only upon written orders issued and signed by the secretary-treasurer and president of said board. The expense of the board in carrying out the provisions of this act shall be paid out of this fund, and not otherwise.

(c) The secretary-treasurer shall, on the first Tuesday of October of every year file with the governor of the state a report of all receipts and disbursements and proceedings of said board for the fiscal year. He shall also give bonds in such sum and such sureties as the board shall deem necessary. The members of the board shall receive a fee of ten dollars (\$10.00) per day and mileage at the rate of three cents (3c) per

mile, and other necessary incidentals, in attending the meetings of said board. ('19 c. 64 § 7)

5731. Recording of licenses—Rules and regulations—Negative practices—(a) Every person holding a license from the state board of chiropractic examiners, shall have it recorded in the office of the clerk of the district court of the county in which applicant practices and the date of recording shall be indicated thereon. Said clerk shall keep in a book provided by him for the purpose, a complete list of the licenses recorded, for which he shall receive a fee of one dollar (\$1.00) for each license so recorded.

(b) Chiropractics shall be subject to the same rules and regulations both municipal and state, that govern other licensed doctors or physicians in the control of contagious and infectious diseases, and shall be entitled to all rights and privileges of other doctors or physicians in all matters pertaining to the public health, except prescribing internal drugs or the practice of surgery and obstetrics.

(c) The practice of chiropractic is hereby declared not to be the practice of medicine, surgery or osteopathy. ('19 c. 64 § 8)

5732. Violation a misdemeanor—Any person who shall practice or attempt to practice chiropractic or who shall use any of the terms or letters "Doctors of Chiropractic," "Chiropractor," "D. C." or any other title or letters under any circumstances as to lead the public to believe that the person that so uses such terms is engaged in the practice of chiropractic without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both fine and imprisonment, in the discretion of the court. It shall be the duty of the county attorney of the county in which such person practices, to prosecute under this act. Provided, however, that nothing in this act shall be considered as interfering with any person engaged in other methods of healing as are now regulated by law in the state of Minnesota. ('19 c. 64 § 9)

5733. Revocation of licenses—Restoration of rights—(a) The state board of chiropractic examiners may refuse to grant or revoke a license to practice chiropractic in this state, or may cause the name of a person licensed to be removed from the records in the office of the county clerk in this state upon any of the following grounds, to-wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this act; the practice of chiropractic under a false or assumed name or the impersonation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants. Any person duly licensed, or who is an applicant for a license to practice chiropractic against whom any of the foregoing grounds for revoking or refusing a license is presented to said board with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before said board in person or by attorney, and witnesses may be examined by said board respecting the guilt or innocence of said accused. In case a license is revoked by the state board of chiropractic examiners, a copy of the order of revocation duly certified by the secretary of the board shall forthwith be filed by said secretary in the office of the clerk of the district court in which the revoked license was filed, and the clerk of the district court where the same

is filed shall make a notation of such revocation in the book in which the record of said license is kept and shall cancel such revoked license. Said clerk shall receive a fee of one dollar (\$1.00) for filing such order of revocation and making said notation and cancellation which shall be paid from the funds of said state board.

(b) Said board may at any time within two years of the refusal or revocation or cancellation of a license under this section, by a majority vote, issue a new license or grant a license to the person affected, restoring him to or conferring upon him all the rights and privileges of, and pertaining to the practice of chiropractic as defined and regulated by this act. Any person to whom such have been restored shall pay to the secretary-treasurer the sum of twenty-five dollars (\$25.00) upon issuance of a new license. ('19 c. 64 § 10)

5734. Inconsistent acts repealed—All acts and parts of acts conflicting with the provisions of this act are hereby repealed. ('19 c. 64 § 11)

OSTEOPATHY

5735. State board of osteopathy—Per diem and expenses—The state board of osteopathy shall consist of five osteopathic physicians, graduates of reputable incorporated schools of osteopathy, appointed by the governor, each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No member thereof shall be a member of the faculty of, or financially interested in any such school. The board shall elect from among their number a president and a secretary, prescribe rules for the management of its affairs, and adopt a seal. It shall meet to examine applicants for licenses to engage in the practice of osteopathy on the second Tuesday in March and September in each year, and hold such other meetings as may be necessary. Each member shall receive ten dollars a day for each day necessarily occupied in the performance of his duties and his actual and reasonably necessary expenses, to be paid out of the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination, the extent of his study and practice, and the name of his college or school of osteopathy, if any. Such record shall be prima facie evidence of the matters therein contained. The secretary shall be paid such compensation as shall be fixed by the board. (R. L. '05 § 2307; G. S. '13 § 4993; amended '23 c. 343 § 1)

5736. Practice of osteopathy—Licenses—Penalties—The practice of osteopathy is hereby declared distinct from that of medicine or surgery within the meaning of the law, and nothing in this subdivision shall apply to practitioners of any other system of healing. Osteopathic physicians, when duly licensed, shall have the same rights and powers, and shall be subject to the same duties as other physicians with reference to matters pertaining to the public health; including the reporting of births and deaths. Osteopathic physicians, when duly licensed, shall have the right to practice osteopathy as taught in reputable colleges of osteopathy, including the use and administration in connection with the practice of obstetrics, minor surgery and toxicology only of anaesthetics, narcotics, antidotes and antiseptics, subject, however, to the same state and federal restrictions and limitations as are by law applicable to physicians and surgeons licensed to practice medicine and surgery. No person who is not a holder of a license from the state board of osteopathy shall engage in the practice of osteopathy in treating diseases of the human body, or by

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use of titles or initials indicating degrees, or in any other way, hold himself out as so engaged. Every person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor the minimum punishment whereof shall be a fine of fifty dollars or thirty days' imprisonment. All fines collected under the provisions hereof shall be paid, one-half into the school fund of the county in which conviction is had, and one-half to the state board of osteopathy. The board shall investigate suspected violations of this subdivision, and institute prosecutions thereunder. (R. L. '05 § 2308; G. S. '13 § 4994, amended '23 c. 343 § 2)

5737. Application for license—Examination—Fees

—Subdivision 1. Every person desiring to engage in the practice of osteopathy shall apply in writing to the secretary of the board for a license, and appear for examination at the first meeting thereafter. He shall pay an examination fee of twenty-five dollars, which shall entitle him to a second examination within a year if he fails in the first. He shall produce his diploma, and prove to the board that he has had a preliminary education, equivalent to a four year high school course; that he is a graduate of a reputable school or college of osteopathy, which, as a prerequisite to graduation, requires the completion of a four year course of nine months each. The school or college must include in its curriculum instruction in anatomy, chemistry, dietetics, diagnosis, gynecology, histology, obstetrics, pathology, physiology, minor surgery, symptomatology, toxicology, urinalysis, the theory and practice of osteopathy, hygiene, the administration of anaesthetics, narcotics and antidotes, and the use of antiseptics. Upon the applicant's passing the board's examination in the foregoing subjects it shall grant him a license. The board may waive the examination in case the applicant holds a diploma from an osteopathic school, without regard to the period of study on which the diploma was issued, and has been licensed by an examining board of another state, whose requirements are equal to those of the State of Minnesota, upon payment of a fee of fifty dollars. Except as hereinbefore expressly authorized as to the administration of anaesthetics, narcotics, antidotes and the use of antiseptics, the license shall not authorize the holder to give or prescribe drugs for internal use or perform major surgery.

Subdivision 2. A college or school of Osteopathy shall be deemed "reputable" within the meaning of this act, which requires its students, as a condition of graduation to complete substantially the number of hours of class room study in the subject hereinafter respectively specified; to-wit: Anatomy (descriptive, regional, applied, surgical and dissection), six hundred hours; Embryology, seventy hours; Chemistry (advanced, including Organic and Physiological Chemistry and Toxicology), three hundred hours; Histology, one hundred eighty hours; Physiology, three hundred hours; Pathology, two hundred forty hours; Bacteriology, one hundred fifty hours; Hygiene, sixty hours; Hydrotherapy, sixteen hours; X-Radiance and Electrical Diagnosis, thirty-six hours; Dietetics, thirty-two hours; Osteopathy, including (a) Principles of Osteopathy, (b) Osteopathic Technique, and (c) Practice of Osteopathy, (including diseases of nervous system, Alimentary Tract, Heart and Vascular System, Genito-Urinary Diseases, Ductless Glands and Metabolism, Respiratory Tract, Bone and Joint Diseases, Corrective Gymnastics, Acute and Infectious Diseases, Pediatrics, Dermatology, Syphilis, Psychiatry, Diagnosis,—Physical Laboratory and Differential,—Clinical Practice Case Recording), fourteen hundred and sixty-six hours; Minor Surgery, with emphasis on fractures and dis-

locations, principles of surgery, and surgical diagnosis, Orthopedics, Official and Chemical, and the use and administration of anaesthetics, narcotics, and antiseptics, four hundred hours; Eye, Ear, Nose and Throat, one hundred eighty hours; Gynecology, one hundred sixty hours; Obstetrics, two hundred hours; Professional Ethics and Efficiency, sixteen hours; Jurisprudence, sixteen hours; Total forty-four hundred and twenty-two hours. Provided, however, that the number of hours herein prescribed for the study of any subject may be reduced not more than thirty per cent, but the total number of hours prescribed shall not be reduced. (R. L. '05 § 2309, amended '09 c. 430 § 1, amended '23 c. 343 § 3) [4995]

5738. Record of licenses—Before engaging in practice, the holder of every license shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there in like manner file his license before engaging in practice therein. Such clerk shall keep, in a book provided for the purpose, a complete list of such licenses, giving the date of record. His fee for recording shall be one dollar, and the same for a certified copy. (2310) [4996]

5739. Licenses, refusal of—Revocation—The board may refuse to grant a license to, or may revoke the license of, any person who:

1. Has been convicted of a felony, or any offence involving moral turpitude;
2. Is so addicted to the use of liquor or any drug as to unfit him for the practice;
3. Procures, or aids or abets the procuring of, a criminal abortion;
4. Obtains any fee by claiming ability to permanently cure a disease manifestly incurable; or
5. Wilfully betrays professional confidence or secrets.

No license shall be revoked except upon notice and hearing. (2311) [4997]

5740. Disposition of fees and fines—All fees and money received from fines imposed under this subdivision shall be received and held by the secretary and devoted to the uses of the board, which shall incur no expense beyond the amount so received. The secretary shall give such bond as the board may from time to time require. (2312) [4998]

NURSES

5741. Registration—It shall be unlawful for any person to practice professional nursing as a registered nurse in this state unless such person shall have first obtained a certificate of registration as provided in this act. ('07 c. 153 § 1) [4999]

5742. Nurses—Board of examiners—A board of examiners to consist of five persons is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall be appointed by the governor, and the appointments shall be made from nurses engaged in active work who have been graduated for at least a period of five years from reputable training schools, and whose course of training is not less than three years' duration in actual hospital service, provided, that there shall always be two of said members on said board selected from nurses who have had at least two years' experience in educational work among nurses, or who have had two or more years' experience in the instruction of nurses in training schools; and provided, further that after the appointment of the first board the nurses appointed on each succeeding board shall be appointed from the nurses registered under this act. ('07 c. 153 § 2, amended '23 c. 148 § 1) [5000]

5743. **Term—Bond—Oath**—Each member of said board shall serve for a term of five years and until his or her successors are appointed and qualified, except in the case of the first board, whose members shall hold office as follows: One member shall be appointed to hold office for one year, one for two years, one for three years, one for four years, and one for five years. Each member of said board shall give a bond in the sum of one thousand dollars, with securities to be approved by the secretary of state, conditioned for the faithful performance of his or her duties, and shall take the oath provided by law for public officers. Vacancies upon said board caused by death, resignation or expiration of the term of any member thereof shall be filled by appointment by the governor. ('07 c. 153 § 3) [5001]

5744. **Officers—Bond**—Said board shall elect from its members a president, a secretary and a treasurer, and shall have its headquarters at St. Paul, Minn.; shall have a common seal, and the secretary and president shall have power to administer oaths. The treasurer shall give bond in the sum of \$2,000.00. Said board may appoint an educational director. ('07 c. 153 § 4, amended '23 c. 148 § 2) [5002]

5745. **Compensation**—Each member of said board shall receive a compensation of five dollars per day for each day of actual service, and ten cents per mile for each mile actually traveled in attending the meetings of the board; said board may fix the salary of its secretary and the educational director, which salaries, compensation and expenses shall be paid out of any moneys in the hands of the treasurer of said board, provided that said compensation, salaries and expenses, and mileage, shall in no event be paid out of the state treasury. ('07 c. 153 § 5, amended '23 c. 148 § 3) [5003]

5746. **Excess funds**—Any money in the hands of the treasurer at the end of any year in excess of \$2,000.00 shall be paid over by said board to the state treasurer, to be kept by him for the future maintenance of the board, and to be disbursed by him upon warrants signed by the president and treasurer of said board. ('07 c. 153 § 6, amended '23 c. 148 § 4) [5004]

5747. **Examinations — Notices — Fee — Qualification**—Said board shall hold public examination at least once in each year at such times and places as it may determine, and notice of the time and place of such examination shall be given by a publication thereof at least ten days before such examination, in a daily newspaper published at the capitol of the state, and said board may give such other notice as it deems advisable. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor, and shall pay to the treasurer of said board an examination fee of \$15.00, and shall present himself or herself at the next regular meeting of said board for examination of applicants, and upon said board being satisfied that the applicant is (1) of the age of twenty-one years or over, (2) of good moral character, (3) has received an education equivalent to that required for admission into high schools of this state, and (4) has graduated from a training school connected with a general hospital where three years of training, with a systematic course of instruction is given in the hospital, or has graduated from a training school in connection with a hospital of good standing supplying a systematic three years' training corresponding to the above standards, which training may be obtained in two or more hospitals, said board shall proceed to examine said applicant in both theoretical and practical nursing, and upon such applicant passing said examination to the satisfaction of said board, said board shall enter said applicant's name in the

register, hereinafter provided for, and shall issue to said person a certificate of registration authorizing said person to practice the profession of nursing as a registered nurse. ('07 c. 153 § 7, amended '23 c. 148 § 5) [5005]

5748. **Registration without examination**—All nurses graduating prior to Jan. 1, 1918, and having had five years' actual experience in nursing, who shall on or before the first day of August, 1923, make application and produce to the board satisfactory evidence verified by the oath of the applicant that the applicant, during all of the year 1923, was and is a legal resident of this state and a graduate of a school of nursing meeting with the approval of said board, and giving a course in nursing of not less than two years, shall be permitted to register without examination upon payment of the registration fee. Provided, that this section shall not apply to nurses registered prior to the passage of this act. ('07 c. 153 § 8, amended '23 c. 148 § 6) [5006]

5749. **Special examination**—Graduates of training schools in connection with special hospitals, giving a two years' course, who shall obtain one year's additional training in an approved general hospital, shall be eligible for registration without examination before Jan. 1st, 1910, or said graduates shall be eligible for registration prior to said date upon passing a special examination before the board of examiners in subjects not adequately taught in the training schools from which they have been graduated. ('07 c. 153 § 9) [5007]

5750. **Practical examination for registration within two years**—Any applicant who has pursued as a business the vocation of nursing for a period of not less than five years prior to the passage of this act, and who presents to the board a certificate testifying that he or she is competent to give efficient care to the sick, said certificate to be signed by one licensed physician and two registered nurses, shall be entitled to take a practical examination for state registration only during the two years immediately following the passage of this act. ('07 c. 153 § 10) [5008]

5751. **Applicants registered in other states**—The board of examiners may issue license without examination, upon the payment of \$15.00 registration fee, to applicants from another state or foreign country whose qualifications are equivalent to those required by this act and who shall produce to said board satisfactory evidence verified by the oath of the applicant of the fact that said applicant was duly licensed by said state or foreign country to practice therein as a registered nurse. ('07 c. 153 § 11, amended '23 c. 148 § 7) [5009]

5752. **Act not to apply, to whom**—This act shall not be construed to apply to the gratuitous nursing of the sick by friends or members of the family, and also it shall not apply to any person nursing the sick for hire but who does not in any way assume to be a registered nurse. ('07 c. 153 § 12) [5010]

5753. **Register**—Said board shall keep a register in which shall be entered names of all persons to whom certificates are issued under this act, and said register shall at all times be open to public inspection. ('07 c. 153 § 13) [5011]

5754. **Registered nurse**—A person who has received his or her certificate according to the provisions of this act shall be styled and known as a "Registered Nurse." No other person shall assume such title or use the abbreviation "R. N." or any other letters or figures to indicate that he or she is a registered nurse. ('07 c. 153 § 14) [5012]

5755. **Revocation of certificate**—Said board of examiners may revoke any certificate for sufficient cause,

but before this is done the holder of said certificate shall have thirty days' notice, and after a full and fair hearing of the charges made, by a majority vote of the whole board, the certificate may be revoked. ('07 c. 153 § 15) [5013]

5756. Penalty for violation—Any person violating any of the provisions of this act, or who shall wilfully make any false representation to the board of examiners in applying for a certificate shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than one hundred dollars and not less than ten dollars. ('07 c. 153 § 16) [5014]

DENTISTS

5757. Board of dental examiners—Appointment—The board of dental examiners shall consist of six practicing dentists of the state appointed by the governor, each for the term of three years and until his successor qualifies, and no member shall serve more than two successive terms. The board shall at all times include four members who shall have been appointed on the recommendation of the Minnesota State Dental Association, if such recommendation be made at least ninety days before the term of the member of that class expires; otherwise the governor may appoint without such recommendation. Every vacancy caused otherwise than by the expiration of a term shall be filled in the same manner and from the class to which the retiring member belongs. If the association is entitled to and fails to recommend a candidate for such unexpired term within thirty days after the vacancy occurs the governor may appoint without such recommendation. If a member shall be absent from two consecutive regular meetings, the board shall declare a vacancy to exist. The association shall recommend not less than two candidates for each appointment, provided the governor shall immediately after the passage and approval of this act appoint one member of said board of dental examiners for the term of three years. (R. L. '05 § 2313, amended '11 c. 221 § 1) [5015]

'19 c. 386, amending §§ 5015 to 5021, unconstitutional (195+914).

5758. Officers — Meetings — Compensation — Report—The board shall elect from its members a president and secretary, and shall have a common seal. It shall hold regular meetings on the second Tuesday after the first Monday in March and November in each year, and special meetings at its pleasure. All meetings shall be held at the college of dentistry of the state university. Out of the funds coming into the possession of said board, the members thereof shall receive as compensation the sum of ten (\$10.00) dollars per day and necessary traveling expenses for each day actually engaged in the duties of their offices as examiners; the secretary shall in addition be paid a salary to be fixed by resolution by the board not to exceed five hundred (\$500.00) dollars per year. All moneys received by said board in excess of the expenditures for per diem allowance, traveling expenses, and salary of the secretary as above provided for, shall be held by the secretary of said board as a special fund for printing, postage and other necessary expenses of the board for carrying out the provisions of this act. The secretary of the board shall give a bond in an amount to be fixed by resolution of the board and in form to be approved by the attorney general conditioned for the faithful discharge of his official duties.

Before December 15th in each year the board shall report its proceedings and the items of its receipts and disbursements to the governor of the state of Minne-

sota. (R. L. § 2314, amended '07 c. 117; '11 c. 221 § 2) [5016]

5759. Dentistry defined — Inhibition—Exception—All persons, firms, corporations or associations shall be said to be practicing dentistry, within the meaning of this section, who shall use the word or letters "Dentist" or "D. D. S." or any other letters in connection with his or their names which in any manner represents him or them as engaged in the practice of dentistry, or who shall advertise or permit it to be done by sign, circular, handbill, newspaper or otherwise, that he or they will attempt to perform dental operations of any kind, treat diseases or lesions of the human jaws or replace teeth by artificial ones or attempt to correct mal-positions thereof, or who shall for a fee, salary, or other reward, paid or to be paid either to himself or to another person, perform dental operations of any kind, treat diseases or lesions of the human jaws or teeth, or replace lost teeth by artificial ones, or attempt to correct mal-positions thereof.

Provided, however, that the foregoing provisions of this section shall not apply to students enrolled in and regularly attending any dental college and to their acts done under the direct supervision of a licensed dentist. (R. L. § 2315, amended '07 c. 117; '11 c. 221 § 3)

1889 c. 19 constitutional (42-129, 43+789). As amended by 1907 c. 117 did not violate state or federal constitution, as depriving of life, liberty, or property without due process (107-171, 119+660). A person licensed to "practice medicine and surgery" cannot "practice dentistry without license as dentist (106-218, 118+1012).

5760. Examinations — License — Revocation—Assumed name—A person not already a registered dentist of the state desiring to practice dentistry therein, shall apply to the secretary of the board for examination and pay a fee of twenty (\$20.00) dollars for the first examination and twenty (\$20.00) dollars for each subsequent examination which in no case shall be refunded. At the next regular meeting he shall present himself for examination and produce his diploma from some dental college of good standing, of which standing the board shall be the judges, also satisfactory evidence showing that the applicant is of good moral character. The board shall give the applicant such an elementary, practical examination as to thoroughly test his fitness for the practice and include therein the subjects of anatomy, physiology, chemistry, materia-medica, therapeutics, metallurgy, histology, pathology and operative, surgical and mechanical dentistry; and the applicant shall be required to demonstrate his skill in operative and mechanical dentistry. If the applicant successfully passes the examination, he shall be registered by the board as a licensed dentist, and supplied with the certificate of registration signed by all members of the board of dental examiners.

Provided, that any dentist who has been in legal practice in another state having and maintaining an equal standard of laws regulating the practice of dentistry with this state, for five years or more and is a reputable dentist of good moral character, and is desirous of removing to this state and deposits in person with the board of dental examiners a certificate from the examining board of the state in which he is registered, certifying to the fact of his registration and that he is of good moral character and professional attainments, and upon payment of a fee of fifty (\$50.00) dollars may, at the discretion of the board, be granted a license to practice in this state without further theoretical examination.

The board upon hearing, after twenty days' notice thereof may revoke the license of any one who with intent to deceive the public, shall practice dentistry under an assumed name or where it shall be shown

5757 Et. seq.
157-M 192
202-NW 933
27 5757-60 98

5760
166-M
207-NW
5760
157-M 19
161-M
5760
23-G.S. 9
167-M
209-NW
210-NW

that the holder of such license is not of good moral and upright character. It shall be no defense for a person prosecuted for practicing dentistry under one name, without a license, that he shall have been licensed under a different name, unless it shall be shown that such practice was without intent to defraud or deceive. (R. L. § 2316, amended '07 c. 117; '11 c. 221 § 4) [5018]

As amended by 1907 c. 117, did not delegate legislative or judicial powers to board, and it was constitutional (107-166, 119+658).

For act permitting resident of state who served in military or naval forces of the United States in the World War, who has been honorably discharged or released from such service and who holds a diploma from the dental college of the University of Minnesota, to obtain a license in certain cases, see '23 c. 105.

5761. Record of certificate—Fees—Within six months after its issuance, the certificate of registration shall be filed for record with the clerk of the district court in the county where the holder resides. If he changes his residence to another county, he shall file his certificate, or a certified copy of the record thereof in such county before practicing therein. Such clerk's fee for recording a certificate or copy shall be fifty (\$0.50) cents and for a certified copy one (\$1.00) dollar. The fee of the board for a duplicate certificate shall be one (\$1.00) dollar. (R. L. § 2317, amended '11 c. 221 § 5) [5019]

5762. Annual fee—Before the first of May in each year every registered dentist shall pay to the board a license fee of one (\$1.00) dollar, and in default of such payment the board may, upon hearing and upon twenty (20) days' notice, revoke the license of the dentist in default; but the payment of such fee on or before the time of hearing, with such additional sum not exceeding five (\$5.00) dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. (R. L. § 2318, amended '11 c. 221 § 6) [5020]

5763. Prohibition—Penalties—Disposition of fines—No person shall practice dentistry in the state without having complied with the provisions of this subdivision. Any person who shall practice, or who shall attempt to practice dentistry, either as a proprietor, employe or assistant, shall keep his annual renewal license in open view in his operating room, failing to do so he shall be deemed guilty of a misdemeanor. Any licensed dentist, proprietor, partnership, association or corporation owning, running, operating or controlling any room or rooms, office or dental parlors where dental work of any kind is done, or provided for, or contracted for, who shall employ, keep, or retain, contrary to the provisions of this law any unlicensed dentist shall be guilty of a misdemeanor. Any person who shall falsely pretend that he holds a certificate of registration from the board, or shall violate any of the provisions of this section shall be guilty of a misdemeanor. The board may when it deems best for the enforcement of the law, employ such attorney as the attorney general shall appoint. All fines collected under the provisions hereof shall be paid into the school fund of the county in which the conviction occurred. (R. L. § 2319, amended '07 c. 117; '11 c. 221 § 7) [5021]

106-218, 118+1012.

5764. Who may become dental nurse—Any woman of good moral character, having a high school education, and being 20 years of age or over, who is a graduate of a training school for dental nurses requiring a course of not less than two academic years, and approved by the board of dental examiners, or who is a graduate of a training school for nurses and has received at least three (3) months' clinical training in dental hygiene in any approved training school for dental nurses, may upon payment of ten (\$10.00) dol-

lars be examined by said board on the subjects considered essential by it for a dental nurse. Such examination may, in the discretion of the board, be conducted by a part of the members of the board. If the applicant in the opinion of the board, successfully passes said examination, she shall be registered and licensed as a dental nurse. Any woman of good moral character and 20 years of age or more, who before June 1, 1919, shall register her name with the state board of dental examiners, may upon showing three (3) years' actual experience in the office of a licensed dentist, and upon complying with such requirements and passing such examinations as the board of dental examiners shall require, be licensed as a dental nurse. ('19 c. 249 § 1)

5765. Employment of and practice by dental nurses—Any licensed dentist, public institution or school authorities may employ such licensed dental nurse. Such dental nurse may remove lime deposits, accretions and stains from the exposed surfaces of the teeth, and administer gas, ether and anesthesia, as applied to dentistry but shall not perform any other operation on the teeth or tissues of the mouth. She may operate in the office of any licensed dentist or in any public institution, or in the schools, under the general direction or supervision of a licensed dentist. The board of dental examiners may suspend or revoke, with power to reinstate, the license of any licensed dentist who shall permit any dental nurse operating under his supervision, to perform any operation other than that permitted under the provisions of this section, and it may also suspend or revoke, with power of reinstatement, the license of any dental nurse violating the provisions of this act, the procedure to be followed in the case of such suspension, revocation or reinstatement, shall be the same as that prescribed by law in the case of suspension, revocation or reinstatement of a licensed dentist. ('19 c. 249 § 2)

5766. Payments to be made to board of dental examiners—Before the first of May in each year, every licensed dental nurse shall pay to the board of dental examiners, a license fee of one (\$1.00) dollar, and in default of such payment, the board may upon hearing and upon twenty (20) days' notice revoke the license of the nurse in default; but the payment of such fee on or before the time of hearing, with such additional sum not exceeding five (\$5.00) dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. ('19 c. 249 § 3)

5767. Licensing of dental nurses authorized by another state—Any female dental nurse or dental hygienist duly licensed to practice as such in another state having and maintaining an equal standard of laws regulating the practice of dental nurses with this state, and who is of good moral character and is desirous of removing to this state, and deposits in person with the board of dental examiners a certificate from the examining board of the state in which she is licensed, certifying to the fact of her being licensed and that she is of good moral character and professional attainments, may upon the payment of a fee of twenty (\$20.00) dollars, at the discretion of the board, be granted a license to practice in this state without further examination. As to any person so applying and who has been licensed in a state not maintaining an equal standard of laws within this state, the board may license such person upon the payment of the fee above provided for, furnishing the same evidence as to licensing, good moral character, and professional attainments, and passing such further examination as the board of dental examiners shall deem necessary. ('19 c. 249 § 4)

CHIROPODY

5768. **State board of chiropody authorized**—An act creating a state board of chiropody examiners and registration to regulate the practice of chiropody in the State of Minnesota, to license chiropody practitioners and to punish persons violating the provisions of this act. ('17 c. 382 § 1)

5769. **Definition of the word "chiropody"**—The definition of the word "chiropody," shall be held to be the medical, mechanical or surgical treatment of the ailments of the human hand or foot. It shall also include the fitting or recommending of appliances, devices or shoes for the correction or relief of minor foot ailments, except the amputation of the foot, hand, toes, fingers or the use of anesthetics other than local. ('17 c. 382 § 2)

5770. **Governor to appoint members**—That within thirty days after the passage of this act the governor shall appoint a state board of chiropody examiners and registration, consisting of five members who shall be resident chiropodists of good standing in their profession; one to serve for one year; one to serve for two years; one to serve for three years; one to serve for four years and one to serve for five years, and until their successors are appointed and qualified and one each year thereafter to the end that each member shall serve five years after the first appointment. ('17 c. 382 § 3)

5771. **Registration of practitioners without examination**—Within thirty days after the enactment of this act said board shall notify all persons engaged in the practice of chiropody in this state of the provisions of the act, by publication in one or more newspapers in each county and every practitioner of chiropody, twenty-one years of age or over and of good moral character who shall make application for registration before the first day of July, 1917, and who can prove to the satisfaction of the board that he was engaged in the practice of chiropody in this state January first, 1917, shall, upon payment of a fee of ten dollars, be registered without examination and shall receive in testimony thereof a certificate signed by the chairman and secretary of said board.

Application for registration shall be made upon blanks furnished by the board and shall be signed and sworn to by the applicant.

All fees received by the board shall, once a month, be paid by its secretary into the treasury of the state. ('17 c. 382 § 4)

5772. **Registration by examination**—Any person not entitled to registration as aforesaid, who shall furnish the board with satisfactory proof that he is 21 years of age or over and of good moral character and that he has received a diploma or certificate of graduation from a recognized school of chiropody or equivalent institution, having a minimum requirement of two years' course of at least eight months each, shall, upon payment of a fee of \$15, be examined, and if found qualified, shall be registered and shall receive in testimony thereof a certificate signed by the chairman and secretary of the board.

An applicant who fails to pass an examination satisfactory to the board and is therefore refused registration, shall be entitled, within one year after such refusal, to a re-examination at a meeting of the board called for the examination of applicants, upon payment of an additional fee of two dollars for each such re-examination, but two such re-examinations shall exhaust his privilege under his original application.

Any person to whom a certificate of registration is granted under the provisions of this act, shall designate himself as a doctor of surgical chiropody.

Before the first of June in each year every registered chiropodist shall pay to the board a license renewal fee of two dollars, and in default of such payment the board may, upon hearing and notice, revoke the registration of the chiropodist in default, but the payment of such fee on or before the time of hearing, together with a penalty of five dollars, shall excuse the default. Such fee may also be collected by the board in a civil action. ('17 c. 382 § 5, amended '21 c. 385 § 1)

5773. **Examinations**—Examinations shall be in the English language and shall be written, oral or clinical or a combination of two or more of the said methods, as the board may determine.

The examinations shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, pathology, diagnosis and treatment, materia medica and therapeutics and clinical chiropody, but said examinations shall be so limited in their scope as to cover only the minimum requirements for chiropody education as herein provided and shall not be construed to require of the applicant a medical or surgical education.

The minimum requirement for registration of applicants under section five and six of this act, shall be based on a general average of seventy-five per cent of the subjects involved and not less than sixty per cent in any one subject. ('17 c. 382 § 6)

5774. **Penalty for practicing without registration**—Any person who shall unlawfully obtain registration under this act, whether by false or untrue statements contained in his application to the board or by presenting to said board a fraudulent diploma, certificate or license or one fraudulently obtained, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment; and any person not being lawfully authorized to practice chiropody in this state and registered as aforesaid, who shall advertise as a chiropodist, in any form, or hold himself out to the public as a chiropodist, shall, upon conviction thereof, for each offense be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment. Any person who, not being licensed or registered as provided by this act, shall practice chiropody, shall be guilty of a misdemeanor, and, upon conviction, shall be punished accordingly; provided, that the fitting or recommending of appliances, devices or shoes for the prevention, correction or relief of foot ailments or troubles by shoe dealers or others not holding themselves out to the public as chiropodists shall not be considered the practice of chiropody under the terms of this act. ('17 c. 382 § 7, amended '21 c. 385 § 2)

5775. **Evidence of practicing**—It shall be deemed prima facie evidence of the practice of chiropody or of holding oneself out as a practitioner of chiropody within the meaning of this act, for any person to treat in any manner the human hand or foot by medical, mechanical or surgical methods, or to use the title chiropodist or registered chiropodist or any other words, or letters which designate, or tend to designate to the public that the person so treating or holding himself out to treat, is a chiropodist. ('17 c. 382 § 8)

5776. **Cancellation of registration**—The board, after hearing, may, by majority vote, revoke any certificate issued by it, and cancel the registration of any chiropodist who has been convicted of violation of the provisions of section six of this act. Said board may also, after hearing, by majority vote, revoke the cer-

tificate and cancel the registration of any person whom the court records of any state or territory within the United States, or the federal court records, or the record of any court of jurisdiction in any foreign country show that such person has been found guilty of a criminal offense. Said board may also, after hearing, by majority vote, revoke the certificate and cancel the registration of any person whose registration was granted upon mistake of material fact. The board may subsequently, but not earlier than one year thereafter, by unanimous vote, re-issue any certificate and register anew any chiropodist whose certificate was revoked and whose registration was cancelled by the board except as hereinafter provided. ('17 c. 382 § 9)

5777. Unprofessional conduct—The board may, after hearing, refuse to issue a certificate to any person, or may revoke the certificate and cancel the registration of any person registered under the provisions of this act, who after investigation, shall be found by a majority vote of the board, guilty of grossly unprofessional and dishonest conduct. The words, "unprofessional and dishonest conduct," shall be held to mean within the provisions of this act:

(a) The willing betrayal of a professional secret.

(b) Having professional connection with, or lending the use of one's name to an unregistered chiropodist or having professional connection with anyone who has been convicted in court of any criminal offense whatsoever.

(c) Being guilty of offenses involving moral turpitude, habitual intemperance, or being habitually addicted to the use of morphine, opium, cocaine or other drugs having a similar effect, or for using, selling or giving away any substance or compound containing alcohol or drugs for other than legal and legitimate purposes. ('17 c. 382 § 10)

5778. Suspension of registration—The board may revoke or suspend for an indefinite period, but not for less than six months, the certificate of registration of any person found guilty under the provisions of section ten of this act. ('17 c. 382 § 11, amended '21 c. 385 § 3)

5779. Investigation and prosecution—The board shall investigate all complaints of violations of sections seven and ten of this act and shall report all violations of section seven to the proper prosecuting officers. ('17 c. 382 § 12, amended '21 c. 385 § 4)

5780. Registration of certificate by clerk of district court—Every person to whom a certificate of registration has been issued under this act shall, within one month from the date of receipt of said certificate of registration, submit the same to the clerk of the district court of the county in which the said person has then legal residence or usual place of business and shall make oath that he is the person designated therein. Upon payment of a fee of one dollar, it shall be the duty of the clerk of the district court to whom such certificate is presented, to register the name and address of the person designated in the certificate, together with the date and number inscribed thereon; which record shall be open to the inspection of the public; and it shall be the further duty of the clerk of the district court to whom said certificate is presented, to file with the board, within one week of such registration, a duplicate copy of the record made. ('17 c. 382 § 13, amended '21 c. 385 § 5)

5781. Expenses and compensation—Each member of the board shall receive ten dollars for every day actually spent in the performance of his duties in connection with the provisions of this act and the necessary traveling expenses actually incurred, not exceeding five cents per mile each way. The said compensation and traveling expenses and any incidental ex-

penses necessarily incurred by the board or any member thereof, shall, if approved by the board, be paid from the treasury of the state, but only from the fees received under the provisions of this act and paid into the said treasury by the board. ('17 c. 382 § 14)

5782. Reciprocity—The board may accept the certificate of license of the board of registration and examination of any other state or territory or any foreign country whose standards of qualifications and requirements for practice are equivalent to those of this state on payment of the required fee of \$50.00 with the endorsement of the secretary of the state board of chiropody examiners. ('17 c. 382 § 15)

5783. Explanation of word "board"—The word "board," wherever used in this act shall be understood to mean the board of registration in chiropody of the state of Minnesota. ('17 c. 382 § 16)

5784. Exemption of physicians—This act shall not apply to the commissioned surgical officers of the United States army, navy or marine hospital service when in the actual performance of their official duties, nor to any physicians duly registered under the general laws of the state nor to any legally registered chiropodist of another state taking charge of the practice of a legally registered chiropodist of this state temporarily, during the latter's absence therefrom upon the written request, to the board, of said registered chiropodist of this state. ('17 c. 382 § 17)

OPTOMETRISTS ^{5785Etseq.} 29 — 420; 5785 - 5796 25 — 239

5785. Governor to appoint board of five members—The State Board of Optometry shall consist of five qualified optometrists appointed by the governor, each for the term of three years, or such part thereof as will provide for the expiration of the terms of two members January 1, 1916, one member January 1, 1917, and two members January 1, 1918, and until their successors qualify.

Vacancies in such board shall be filled by like appointment for unexpired terms. ('15 c. 127 § 1)

5786. Board to adopt rules—Said Board of Optometry shall make such rules and regulations, not inconsistent with the law, as may be necessary for the proper performance of its duties. Any member of the board, may, upon being duly designated by the board, or a majority thereof, administer oaths or take testimony concerning any matter within the jurisdiction of the board. ('15 c. 127 § 2)

5787. Officers and members to meet once each year in St. Paul—The board shall elect from among its members a president and may adopt a seal.

A secretary or assistant may be employed who need not necessarily be a member of said board.

For the purpose of examining applicants for licenses to practice optometry, the board shall meet at least once each year in St. Paul and may hold other meetings at its pleasure. ('15 c. 127 § 3)

5788. Compensation of members and secretary—Each member shall receive from the funds of the board five dollars (\$5.00) a day for actual services, three cents a mile for necessary travel and allowance for necessary expenses of attending meetings, not to exceed two dollars and fifty cents (\$2.50) a day.

For clerical services the secretary shall receive such compensation as the board may deem just and proper, such compensation to be not more than four hundred dollars (\$400.00) per year. The board may employ an attorney and other necessary assistants to aid in the enforcement of the provisions of this act, the attendant expense to be met from the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for ex-

amination or registration, which record shall be open to public inspection. ('15 c. 127 § 4)

5789. Definition of practice of optometry—Any person shall be deemed to be practicing optometry within the meaning of this act who shall display a sign or in any way advertise himself as an optometrist, or who shall employ any means for the measurement of the powers of vision or the adaptation of lenses for the aid thereof, or who shall in the sale of spectacles or eyeglasses or lenses, use in the testing of the eyes therefor, lenses other than the lenses actually sold.

It shall be unlawful for glasses to be vended as merchandise except from permanently located and established places of business.

It shall be unlawful for any person to engage in the practice of optometry without first procuring and filing for record a certificate of registration as a licensed optometrist pursuant to this subdivision. ('15 c. 127 § 5)

5790. Qualifications of registered optometrists, and proceedings in examination for registry—The persons entitled to practice optometry in Minnesota who are not already registered shall be:

Every person of the full age of twenty-one years who furnishes the board with satisfactory evidence of

(a) His age and moral character;

(b) That he possesses the knowledge essential to the practice of optometry;

(c) Having served an apprenticeship of not less than two years under a practicing optometrist acceptable to the board, or shall be a graduate of an optometry school or college approved by this board, requiring an attendance of not less than one year's course;

(d) Having passed satisfactorily an examination by the board as to his qualifications for the practice of optometry, upon the completion of which he shall receive from said board a license certificate entitling him to practice. Any person desiring to be examined by said board must fill out and swear to an application furnished by the board, and must file the same with the secretary of said board at least two weeks prior to the holding of an examination which the applicant is desirous of taking.

The applicant shall pay to the board a fee of twenty dollars (\$20.00) before examination and five dollars (\$5.00) upon the issuance of certificate. In the event of failure on the part of a candidate to pass the first examination, he may within fifteen months have another trial; upon the payment of five dollars, (\$5.00) additional.

Any applicant may be registered and given a certificate of registration if he shall present a certified copy or certificate of registration or license which has been issued to said applicant by any other state, where the requirements for registration shall be deemed by said board to be equivalent to those of this act; provided, that such state shall accord a like privilege to holders of certificates of said board.

The fee for registering such applicants shall be fifteen dollars (\$15.00).

The board upon a hearing of which the accused shall have a ten days' notice, may revoke the certificate of any person under conviction of crime or shown to be grossly incompetent, afflicted with contagious or infectious disease or who employs misrepresentation, fraud or house-to-house canvassing in order to fit or sell glasses, or who has been guilty of habitual drunkenness for six months immediately preceding the accusation. After one year upon application and proof that the disqualification has ceased, the board may reinstate such person. ('15 c. 127 § 6)

5791. Where certificate is to be filed—The holder of every such certificate of registration shall file the same for record with the clerk of district court in the county where he resides, and after record shall display it conspicuously at his place of business. Upon removal to another county he shall there in, like manner file his certificate before engaging in business therein.

Such clerk's fee shall be fifty cents (50c) for recording and one dollar (\$1.00) for a certified copy. A failure on the part of the holder to comply with any of the foregoing provisions for six months after issuance of the certificate shall forfeit the same. ('15 c. 127 § 7)

5792. Annual fee of \$2.00—Before April first in each year, every authorized optometrist shall pay to the board a fee of two dollars (\$2.00), in default of which, the board, upon a hearing and after twenty days' notice, may revoke the certificate of any optometrist so in default; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding five dollars (\$5.00), as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. ('15 c. 127 § 8)

5793. Fees to be held by secretary—Annual report of board—All fees collected under this subdivision shall be received and held by the secretary and devoted to the uses of the board. The secretary shall give such bond as the board shall from time to time require. Before the first Monday in January, annually, the board shall report to the governor its proceedings, and the items of its receipts and disbursements. ('15 c. 127 § 9)

5794. Penalty for violation—Every person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), or confinement in the county jail for not less than thirty (30) days nor more than ninety (90) days. ('15 c. 127 § 10)

5795. Invalidation of one section not to affect remainder—In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional or invalid the same shall not be held to affect any other paragraph or provision of this act. ('15 c. 127 § 11)

5796. Certain sections R. L. 1905 repealed—That Sections 2320, 2321, 2322, 2323, 2324, 2325 and 2326 of the Revised Laws of 1905 and all amendments to said sections or any of them are hereby repealed. ('15 c. 127 § 12)

PHARMACISTS

5797. Membership of the state board of pharmacy—The state board of pharmacy shall consist of five registered pharmacists actually engaged in the retail drug business of the state, appointed by the governor, each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. The membership of any person now a member or appointed as a member of said board, who shall cease to be actively engaged in the retail drug business or shall engage in any other business or avocation in the state of Minnesota, shall automatically terminate. The Minnesota State Pharmaceutical Association may recommend five names for each appointment to be made, from which list the governor may select. The board shall elect annually one of its members as president, and a registered pharmacist, who may or may not be a member, as secretary. It may employ an attorney and other necessary assistants, and make rules for the conduct

5797-
5816
237nw 817
237nw 820
See 5814

of its business. It may, by its duly authorized representative, enter and inspect any and all places where drugs, medicines and poisons are sold, given away, compounded, dispensed or manufactured. Any person refusing to permit or otherwise preventing such duly authorized representatives from entering such places, shall be guilty of a misdemeanor. It shall enforce and obey the provisions of this subdivision, and report its proceedings to the governor annually, with such information and recommendations as it deems proper, giving the names of all pharmacists registered during the year, and the items of its receipts and disbursements. (R. L. '05 § 2327, amended '13 c. 575 § 1; '19 c. 477 § 1) [5029]

69-311, 72+117.

R. L. §§ 2327-2341 are not unconstitutional, as depriving persons licensed under prior statutes of vested rights, or otherwise obnoxious to principles of fundamental law (100-249, 110+870).

5798. Per diem of members of state board of pharmacy—Each member shall receive ten dollars a day for his actual services as such, and the necessary expenses of attending meetings. The secretary shall receive a salary, to be fixed by the board, and all expenses necessarily incurred by him in the performance of his duties; and he shall give such bond as the board may from time to time require. All fines and penalties paid or collected under any provision of this subdivision shall be paid over to the secretary of the board forthwith, the provisions of any statute, ordinance, or charter to the contrary notwithstanding. Such payments, and the fees hereinafter provided for, shall constitute the fund from which all salaries, per diem, and expenses of the board and its members shall be paid. (R. L. '05 § 2328; G. S. '13 § 5030, amended '21 c. 238 § 1)

5799. State pharmacy board—Fees for examination—The board shall meet at least once in every three months to examine applicants for registration and transact its other business, giving reasonable notice of all examinations, by mail, to known applicants therefor. The secretary shall record the names of all persons registered by the board, together with the grounds upon which the right of each to registration was claimed. The fee for examination shall be ten dollars. All registered pharmacists and assistants, while employed as such, shall be exempt from service as jurors. On hearing, the board may revoke any certificate of registration obtained by false representation or other fraud, or when the holder is addicted to the liquor or drug habit so as to unfit him for the practice of pharmacy, and may refuse registration to any person so addicted. (R. L. '05 § 2329, amended '13 c. 575 § 2; '23 c. 403 § 1) [5031]

5800. Qualifications for examination for registered pharmacist—To be entitled to examination by the board as a pharmacist, the applicant shall be at least twenty-one years old, shall have successfully completed the work of two (2) college years, of not less than seven (7) months each, at a college or school of pharmacy which in the judgment of the board maintains proper standards, as such and shall have had at least two years of practical experience in drug stores where physician's prescriptions are usually compounded; provided, however, that if the applicant shall have successfully completed a longer course than two (2) college years, of seven (7) months each, in such school or college of pharmacy, and additional year, or more, so successfully completed, shall be equivalent to one (1) year of such practical experience.

Provided that, any person, who now is, or has been actually employed in a drug store, who shall file with the board a sworn statement of proof of that fact, or who is registered by said board as an assistant phar-

macist shall be exempt from the requirements of attendance at a college or school of pharmacy, but shall be entitled, if of the required age, to examination upon the completion of four (4) years experience, as the same is herein defined, provided further; that, one (1) year of college work, as herein defined shall be equivalent to one (1) year of experience. If upon examination the board finds him qualified, he shall be entitled to registration as such pharmacist. (R. L. '05 § 2330, amended '07 c. 346 § 1; '19 c. 399 § 1) [5032]

1907 c. 346 is constitutional. The second proviso prescribes time within which persons mentioned in the first must apply for registration (103-21, 114+246).

5801. Qualifications of applicants—An applicant for a certificate as assistant shall be eighteen years old, or over, and have had two years' practical experience in drug stores where physicians' prescriptions are usually compounded. Provided, however, if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but one year's experience shall be required. If upon examination, the board finds him qualified, he shall be registered. His certificate shall entitle him to act as an assistant to a registered pharmacist and to compound and dispense drugs and medicines during the temporary absence of the registered pharmacist. (R. L. § 2331, amended '13 c. 575 § 3) [5033]

5802. Registration of pharmacists from other states, and fees—The board, without examination, upon receipt of a fee of twenty-five dollars, may grant registration to any pharmacist licensed or registered by the board of pharmacy, or a similar board, of another state. (R. L. § 2332, amended '13 c. 575 § 4) [5034]

5803. Display of certificate—Removal—Every holder of a certificate issued by the board shall display it conspicuously at his place of business. Upon changing his place of business he shall within ten days furnish the secretary with his new address. He shall not act as pharmacist or assistant for more than ten days after so notifying the secretary, unless he shall have received notice, which the secretary shall send him, that the change is noted on the records of the board. Every person who shall violate any provision of this section shall be liable to a penalty of ten dollars. (2333) [5035]

5804. Annual fees to be paid—Every person registered by the board, while continuing in business, shall annually pay to the secretary a renewal fee, to be fixed by the board, and not to exceed three dollars for a pharmacist and two dollars for an assistant. A person who has once been registered and has defaulted in the payment of fees may be reinstated within two years of such default, without examination, upon payment of arrears. Every certificate and renewal shall expire at a time therein prescribed, not later than one year from its date. (R. L. § 2334, amended '13 c. 575 § 5) [5036]

Fee not tax on business of pharmacy. Amount not unreasonable (100-249, 110+870).

5805. Definition of drugs—Exceptions as to sale—Drugs, medicines and poisons, for the purposes of this subdivision, shall include all substances commonly kept in drug stores and used in compounding medicines or sold for medicinal purposes. Nothing in this subdivision, however, shall prevent a physician from compounding prescriptions for use in his practice or furnishing to his patients such articles as he deems proper, or interfere with the making or vending of proprietary medicines, with any exclusively wholesale business, or with the sale by general retail dealers of the following articles: alum, Blue vitriol, borax, carbonate of ammonia, carbonate of soda, castor oil, copperas, epsom salts, glauber salts, glycerin, gum arabic, gum camphor, licorice, log wood, rolled sulphur, saltpetre, senna

5799
33 — 207

5800
29 — 93

5800
31 — 116

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33 — 381

5804
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214-NW 76

leaves, sublimed sulphur, water of ammonia, arsenate of lead, sodium arsenite, London purple, arsenous oxide or Paris green in sealed packages distinctly labeled "arsenate of lead," "sodium arsenite," "London purple," "arsenous oxide," "arsenate calcium and arsenite of zinc" or Paris green," as the case may be, "poison." Nor shall any dealer whose shop is more than two miles from a drug store be thus prevented from selling any commonly used medicine or poison which has been put up for such sale by a registered pharmacist. (R. L. '05 § 2335, amended '13 c. 575 § 6; '23 c. 25 § 1) [5037]

5806. Wrongful labeling—A person engaged in the drug business, either on his own behalf or in the employ of another, who, in putting up drugs, medicines, or prescriptions, wilfully, negligently or ignorantly omits to label the package or receptacle, labels it untruly, substitutes an article different from the one ordered, or deviates from the terms of the order or prescription as to quantity or in any other manner, shall be guilty of a misdemeanor. (2336) [5038]

5807. Physician's prescriptions required for certain drugs—No person, otherwise than on a physician's written prescription, shall sell at retail aconite, bella-donna, digitalis, or nux vomica, or their preparations, the oils of bitter almonds, cedar, pennyroyal, savin, or tansy, arsenic or any of its preparations, mercury or opium, or any of their poisonous preparations, carbolic acid, choral hydrate, chloroform, creosote, croton oil, cyanide of potassium, hydrocyanic acid, lead acetate, morphine, the mineral acids, oxalic acid, strychnine, wood-naptha or any other commonly recognized poison, without affixing to the package or receptacle containing the same a label conspicuously bearing the word "poison," and the name and business address of the seller, and satisfying himself that such poison is to be legitimately used. Any person who fails to comply with any requirement of this section shall be guilty of a misdemeanor. (R. L. § 2337, amended '13 c. 575 § 7) [5039]

40-103, 41+543.
143-181, 173+566.

5808. Register to be kept for sale of poisonous drugs—No person, either on his own behalf or while in the employ of another, except upon the written prescription of a physician, shall sell or give away arsenic or its preparations (other than Paris green), arsenate of lead, sodium arsenite, London purple and arsenous oxide) "arsenate of calcium, arsenite of zinc," aconite, bella-donna, or nux vomica, or their preparations, cyanide of potassium, hydrocyanic acid, morphine, mercury or its poisonous preparations, opium or the tincture thereof, the oils of pennyroyal, savin or tansy, or strychnine, without first recording, in a book kept for that purpose, the name and address of the person to whom and the amount and kind of poison delivered. Every person who shall violate any provision of this section, give a false name to be recorded to aforesaid, or, having custody of any such record book, shall refuse to produce it on demand for the inspection of any officer, shall be guilty of a misdemeanor. (R. L. '05 § 2338, amended '13 c. 575 § 8; '23 c. 25 § 2) [5040]

5809. Sale of cocaine—Record—That no person shall sell or give away any cocaine, hydrochlorate, or any salts or compound of cocaine, or preparation containing cocaine, except upon the written prescription of a physician or dentist, or veterinarian, licensed under the laws of the state. No prescription containing cocaine shall be filled more than once and each shall have written plainly upon it the name and address of the patient, or owner of animal, and be filed and preserved by the pharmacist, who shall not give a copy thereof to the patient or owner of animal. This sec-

tion shall not be so construed as to apply to sales at wholesale, in original packages, by any manufacturer or wholesale dealer, to a retail druggist, licensed physician or dentist or veterinarian when such vendor shall have affixed to each receptacle containing any such drug a label in the English language specifically setting forth the proportion of cocaine contained therein. ('05 c. 42, amended '09 c. 85 § 1) [5041]

5810. Penalty for violation—Any person who shall sell or give away any of the articles mentioned in the preceding section in violation of this act, and any person who shall prescribe any of such articles to any one addicted to the habitual use of cocaine or any preparation or compound thereof in any form shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail for not less than 30 days nor more than 90 days, and if the person so offending shall be a licensed physician, dentist, veterinarian, pharmacist or assistant pharmacist, in addition to the penalty above described, such offender's license shall be revoked. ('05 c. 42, amended '09 c. 85 § 2) [5042]

5811. Duty of county attorney—Upon complaint being made of the violation of the provisions of this act, the county attorney of the county where the offense is alleged to have been committed shall prosecute such complaint and to that end is hereby authorized to examine the books of any manufacturer or wholesale dealer within the state for the purpose of tracing the sale of any of the articles herein mentioned. ('05 c. 42 amended '09 c. 85 § 3) [5043]

5812. Fines, how disposed of—All fines collected under the provisions under this act shall inure to the Minnesota state board of pharmacy. ('05 c. 42, amended '09 c. 85 § 4) [5044]

5813. Penalty for violation by druggist—Every proprietor or manager of a place where drugs are sold shall be responsible for the quality of all drugs, chemicals, and medicines sold by him, except proprietary medicines and other articles sold in the original packages of the manufacturers. Every person who, by himself or through another, shall wilfully adulterate any drug, medicinal substance, or preparation authorized, or recognized by the United States pharmacopeia, or national formulary, or used or intended to be used in medical practice, or shall mix with any such article any foreign or inert substance for the purpose of weakening its medicinal power and effect or of cheapening it, or who shall sell the same knowing it to be so adulterated or mixed, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars. (R. L. § 2339, amended '13 c. 575 § 9) [5045]

5814. Violation declared to be a misdemeanor—Punishment for sale by other than druggist.—No person, not a registered pharmacist or a dealer employing and keeping such a pharmacist in active charge of his place of business shall retail, compound or dispense drugs, medicines or poisons, or keep or conduct a place for retailing, compounding or dispensing drugs, medicines, or poisons, or falsely assume or pretend to the title of a registered pharmacist. No registered pharmacist or other person shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines, or poisons in his place of business, except under the supervision of a registered pharmacist or assistant. Every person violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars, except in cases where the death of a human being results from such violation, when the person offending is guilty of a felony. (R. L. '05 § 2340, amended '13 c. 575 § 10; '15 c. 62 § 1) [5046]

5813
230nw 811
See 9281

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5814
25 — 3
173m 322
217nw 342

5814
172m 132
214nw 766
237nw 817
239nw 820
See 5797

55-169, 56-594; 72-403, 75-742; 100-249, 110-870; 125-529, 147-273.

Indictment sufficient (118-336, 136-849).

5815. Board to turn over certain moneys to state pharmaceutical association—That the state board of pharmacy may each year turn over to the state pharmaceutical association for the advancement of the science and art of pharmacy, out of the annual fees collected by it, such sum, as it may deem advisable, but not to exceed one dollar for each pharmacist and one dollar for each assistant pharmacist, who shall have paid his renewal fee during such year. Said association shall annually report to said board on the condition of pharmacy in the state. ('13 c. 575 § 11) [5047]

5816. Penalties — Prosecutions — Every registered pharmacist or assistant who shall fail, while continuing in business, to pay the annual fee required in this subdivision, and every person who shall make any false representation to procure his name or that of another to be registered, or violate any other provision of this subdivision, when no punishment is specifically provided, shall be liable to a penalty of fifty dollars for each and every such offense. The penalties prescribed in this subdivision may be recovered in a civil action instituted by the board in the name of the state, or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such proceedings, the board may employ another attorney for the purpose. (2341) [5048]

EMBALMERS 27 — 305 5817-20

5817. License—No person shall embalm any dead human body in the state of Minnesota without being licensed by the state board of health, as hereinafter provided. ('05 c. 101 § 1) [5049]

5818. Examination by state board of health—The state board of health of the state of Minnesota is hereby authorized and empowered to examine all applicants for license to practice embalming, and to determine whether or not such applicants possess the necessary qualifications to properly embalm dead human bodies; and, if upon such examination, said board shall determine that such applicant is properly qualified to embalm dead human bodies, it shall grant a license to such person to embalm human dead bodies for a period ending the thirty-first day of July following. ('05 c. 101 § 2) [5050]

5819. Fee — Qualifications — The applicant for license shall at the time of application pay a fee of five dollars. No person shall be granted any such license unless he shall, in addition to other qualifications, be at least twenty-one years of age, of good moral character, and shall have for at least one year had practical experience in embalming. ('05 c. 101 § 3) [5051]

5820. Licenses—Renewal—Any person now holding a license from the state board of health as an embalmer shall be held to be licensed as an embalmer under the terms of this act, but all such licenses shall expire July thirty-first next. Any license may be renewed from time to time and shall be in force after such renewal for a period of two years from the thirty-first day of the preceding July, upon the payment of a renewal fee of one dollar. ('05 c. 101 § 4) [5052]

5821. Revocation—The state board of health may revoke any license granted, or may refuse to grant or renew a license upon proof of the violation by the holder of such license or the applicant for such license or renewal of the rules of the state board of health concerning the care, custody or disposition of dead human bodies, or the disinfecting of premises where contagion exists, or for want of moral character or of capacity. ('05 c. 101 § 5) [5053]

5822. Penalties for violation—Any person who shall embalm a dead human body, or who shall hold himself out as an embalmer thereof without being licensed as herein provided shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than twenty-five dollars or more than a hundred dollars or imprisonment for a period of not to exceed three months. ('05 c. 101 § 6) [5054]; 5823-46 ; 29 — 270 ; 29 — 380 ; 21 — 424R ; 25 — 252R ; 27 — 316

BARBERS

5823. Barbers must be registered—It shall be unlawful for any person to follow the occupation of a barber in this state unless he or she shall have first obtained a certificate of registration as provided in this act; provided, however, that nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation except as hereinafter provided. ('21 c. 424 § 1)

1897 c. 186. constitutional (79-80, 81-748).

5824. Board of examiners—Appointment—A Board of Examiners, to consist of three persons, is hereby created to carry out the purposes and enforce the provisions of this act. Said Board shall be appointed by the Governor, the appointees to be chosen from practical barbers, one from among persons recommended by a union of journeyman barbers, which shall have existed at least two years, one who has been for at least three years an employing barber in the State, and one who has been for at least five years a journeyman barber therein. Each member of said Board shall serve for a term of three years and until his successor is appointed and qualified, except in the case of the first board, who shall serve one, two and three years respectively. ('21 c. 424 § 2)

5825. May appoint deputies—Said Board shall have power to appoint deputies to assist in carrying out the provisions of this act. ('21 c. 424 § 3)

5826. Officers — Quorum — Seal — Said Board shall elect a president, secretary and treasurer; shall have its headquarters at the State Capitol; shall have a common seal; shall have the power to administer oaths. A majority of said Board may, in meeting duly assembled, perform the duties and exercise the powers devolving upon said Board under the provisions of this act. ('21 c. 424 § 4)

5827. Bond—Each member of said Board shall give a bond in the sum of Five Thousand Dollars (\$5,000.00), with sureties, to be approved by the Secretary of State, conditioned for the faithful performance of his duties, and shall take the oath provided by law for public officers. Vacancies in said Board shall be filled by the Governor for the unexpired portion of the term. ('21 c. 424 § 5)

5828. Compensation of board of examiners of barbers—Each member of said board shall receive a compensation of not to exceed Seven Dollars (\$7.00) per day for actual service rendered in attending meetings of the board or in inspecting barber shops, and each member, including the secretary, shall be reimbursed for all expenses actually and necessarily incurred by them in attending meetings of the board, inspecting barber shops, or in performing other duties imposed on them by law, to be paid out of its treasury. The secretary thereof, shall receive a compensation of not to exceed Twenty-five Hundred Dollars (\$2,500.00) per annum instead of a per diem. ('21 c. 424 § 6, amended '23 c. 243 § 1)

5829. Board to report annually—Said Board shall report annually to the Governor of this State a full statement of the receipts and disbursements of said Board by giving an itemized account and a copy furnished to the Legislature and a full statement of its doings and proceedings and such recommendations as

to it may seem proper looking to the better carrying out of the interests and purposes of this act. ('21 c. 424 § 7)

5830. Examinations—Notice—Said Board shall hold public examinations at least four times in each year at such times and places as it may deem advisable, notice of such meetings to be given by publication thereof at least ten (10) days prior to such meetings in at least two (2) newspapers published in this State in the locality of each proposed meeting. ('21 c. 424 § 8)

5831. All barbers to register—Every person now engaged in the occupation of a barber in this State holding a certificate of registration shall, within ninety days after said Board is appointed, file with the secretary of said Board an affidavit setting forth his or her name, age, residence and the length of time during which, and the place where he or she has practiced said occupation, and shall pay to the secretary of said Board One Dollar (\$1.00) and a certificate of registration entitling him or her to practice said occupation thereupon shall be issued to him or her. ('21 c. 424 § 9)

5832. Unlicensed barbers to make application—Fee—Examination—Any person not holding a license under the provisions of the preceding section and desiring to obtain a license under this act shall make application in such form as the Board shall prescribe and shall be verified by the applicant as to the truth of the statements or answers therein made to said Board therefor, and shall pay to the secretary of said Board an examination fee of Five Dollars (\$5.00) and shall present him or herself at the next regular meeting of said Board for examination of applicants, whereupon said Board shall proceed to examine such person, and being satisfied that he or she is above the age of nineteen (19) years, of good moral character (free from contagious and infectious disease), and has either (a) studied the occupation for a period of two (2) years as apprentice under a qualified and practicing barber, or (b) studied the occupation in a properly appointed and conducted barber school under the direction of a competent barber for a period of at least two (2) years, or (c) practiced the occupation in another state for a period of at least three (3) years, and is possessed of requisite skill in said occupation to properly perform all the duties thereof, including his or her knowledge and ability in the antiseptic preparation of the tools, shaving, hair cutting and all the duties and services incident thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation, his or her name shall be entered by said Board in the register hereinafter provided for and a certificate of registration shall be issued to him or her, authorizing him or her to practice such occupation of this State. ('21 c. 424 § 10)

5833. Applicants may practice—All persons making application for examination under the provisions of this act shall be allowed to practice the occupation of a barber until the next meeting of said Board, and said Board shall issue a permit authorizing him or her to so practice said occupation until the next meeting of said Board. Such permit shall be displayed in a conspicuous place in front of his or her working chair. ('21 c. 424 § 11)

5834. Holders of foreign certificates may be licensed without examination—Fee—Any person who holds a certificate of registration granted by any other State or Provincial Board of Barber Examiners by examination and shows the proper credentials showing that he or she is a fully qualified barber under the laws of this State, may be granted a certificate by said Board with-

out practical examination upon the payment of the registration fee of Five Dollars (\$5.00) ('21 c. 424 § 12)

5835. Certificates must be renewed—All persons not having made application for the renewal of his or her certificate on or before the first day of January in each year shall pay to the secretary of said Board a fee of Five Dollars (\$5.00) for the same regardless of whether he or she has held licenses under the provisions of any previous section of this act. ('21 c. 424 § 13)

5836. Not to apply to apprentices or students—Nothing in this act shall prohibit any person from serving as an apprentice in said occupation under a registered barber of this State, or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered barber authorized to practice such occupation in this State; provided, that such apprentice or student shall apply to said Board to have his or her name registered with said Board in a book which shall be kept by the Board for the registering of apprentices or students and secure a permit to practice as an apprentice or student under a duly registered barber, such permit to be displayed in front of his or her working chair. After having practiced the occupation for three years under a registered barber, such apprentice or student shall be eligible to become a registered barber, and shall present him or herself at the next meeting of the Board held nearest to him or her for the examination of applicants and pay the fee as provided in Section 9. ('21 c. 424 § 14)

5837. Board to furnish certificate of registration—Said Board shall furnish to each person to whom a certificate of registration is issued a card bearing the seal and signature of said Board, certifying that the holder thereof is entitled to practice the occupation of a barber in this state, and it shall be the duty of the holder of such card to post the same in a conspicuous place in front of his or her working chair, where it may be readily seen by all persons whom he or she may serve. ('21 c. 424 § 15)

5838. Renewal of card—Fee—Said card shall be renewed on or before the first day of January in each year, and the holder of said certificate of registration shall pay to the secretary of said Board the sum of One Dollar (\$1.00) for said renewal card. ('21 c. 424 § 16)

5839. Certificate revoked—Upon the failure of any holder of a certificate of registration to apply for a renewal of his or her card on or before the first day of January in each year, his or her certificate shall be revoked by said Board. ('21 c. 424 § 17)

5840. Board may revoke license when—Said Board shall have the power to revoke any certificate of registration granted by it under this act for (a) conviction of crime; (b) habitual drunkenness; (c) having or imparting any contagious or infectious disease; (d) for doing work in an unsanitary or filthy manner or gross incompetency. Provided, however, that before any certificate shall be revoked the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice, at least five (5) days after the service thereof, be given a public hearing and full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose certificate has been so revoked may, after the expiration of ninety days, on application, have the same reissued to him or her upon satisfactory showing that disqualification has ceased. ('21 c. 424 § 18)

5841. Board to adopt rules and regulations—Said Board shall have power to adopt reasonable rules and

regulations prescribing the sanitary requirements of a barber shop, barber school or college, subject to the approval of the State Board of Health, and cause the rules and regulations so approved to be printed in a suitable form and to transmit a copy thereof to the proprietor of or person operating each barber shop, which shall at all times be kept conspicuously displayed in each barber shop, barber school or college in this state. Any member of said Board, or duly authorized deputy, shall have power to enter and make reasonable examination of any barber shop, barber school or college in this state during the business hours for the purpose of ascertaining the sanitary conditions thereof. Any barber shop, barber school or college in which tools, appliances and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is hereby declared to be a public nuisance and the proprietor thereof or person operating such barber shop, barber school or college shall be subject to prosecution and punishment therefor. ('21 c. 424 § 19)

5842. To keep register—Said Board shall keep a register in which shall be entered the names of all persons to whom certificates are issued and to whom permits for serving apprenticeship or as students, under this act, and said register shall at all times be open to public inspection. ('21 c. 424 § 20)

5843. Barbers not to serve persons afflicted with certain diseases—No person practicing the occupation of a barber in any barber shop, barber school or college in this state shall knowingly serve a person afflicted in a dangerous or infectious stage of the disease with erysipelas, eczema, impetigo, sycosis, tuberculosis, or any other contagious or infectious disease. Any person so afflicted is hereby prohibited from being served in any barber shop, barber school or college in this State. Any violation of this section will be considered a misdemeanor as provided for in this act. ('21 c. 424 § 21)

5844. Barber schools—Bond—Who may run—Nothing in this act shall prohibit any person from serving as an apprentice in said occupation under license issued by said Board to a barber registered to practice in the same, under this act, nor from serving as a student in any barber school or college for the teaching of said occupation under the instructions of a registered barber; provided, that in no barber shop shall there be more than one apprentice to two barbers, authorized under this act to practice said occupation; but all barber shops having but one chair shall be entitled to one apprentice; that all barber schools or colleges shall have not less than one teacher or instructor for every ten students and minor fraction in excess thereof, and that all barber schools or colleges shall keep prominently displayed a sign, barber college or barber school; provided, that all barbers or barber schools or colleges who shall take an apprentice or student shall file immediately with said Board the name and age of such apprentices or students, and the said Board shall cause the same to be entered in a register kept for that purpose; provided, that any firm, corporation, or person having practiced the occupation of barber continuously for a period of not less than ten (10) years desiring to operate or conduct a barber school or college in this state shall first secure from said Board a permit to do so, and shall keep the same prominently displayed, and shall before commencing business file with the Secretary of State a bond to the state approved by the Attorney General in the sum of One Thousand Dollars (\$1,000.00), conditioned upon the faithful compliance of said barber school or college with all the provisions herein, and to pay all judgments that may be obtained against said school or college or the owners thereof

on account of fraud, misrepresentation or deceit practiced by any of them, or by their agents, servants or employees; provided that said board shall have the right to pass upon the qualifications, appointments, course of study and hours of study in said school or college, which hours of study shall be between the hours of eight (8) A. M. and five (5) P. M., except that on Saturdays and days preceding legal holidays the hours of study shall be between the hours of eight (8) A. M. and six (6) P. M.; provided further that there shall be no money collected by said school or college or any of its students or teachers in the practice of the trade therein taught, except a reasonable charge for the linens, tonics, soaps and incidental supplies furnished in and about the cutting of the hair and shaving of an individual, and the said board shall have the right to revoke the certificate permit or license of any such barber school or college, instructor or teacher therein for the violation of any of the provisions of this section. ('21 c. 424 § 22)

5845. What constitutes barbering—To shave or trim the beard or cut the hair of any person for hire, or reward, received by the person performing such service, or any other person, shall be construed as practicing the occupation of barber within the meaning of this act. ('21 c. 424 § 23)

5846. Violations—Penalties—Any person practicing the occupation of a barber, or barbers' apprentice, or students, in this state without having obtained a certificate of registration or permit, as provided by this act, or employing a barber or apprentice who has not such certificate or permit, or falsely pretending to be qualified to practice said occupation under this act or for failure to display his or her card or insignia or permit as provided by this act, or who shall violate any of the sanitary rules adopted by the Board, or any of the provisions of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00), or more than one hundred dollars (\$100.00), or by imprisonment in the county jail not less than ten (10) days or more than ninety (90) days, or both. This act shall take effect and be in force upon its approval and publication. ('21 c. 424 § 24)

VETERINARIANS

5847. Veterinary examining board—The state veterinary examining board shall consist of five qualified veterinarians, graduates of reputable veterinary colleges, appointed by the governor, each for the term of five years, one to be appointed each year, the first board, however, to consist of five members who shall hold office for one, two, three, four, and five years, respectively, and thereafter for the term of five years each and until their successors qualify. The board shall elect from its number a president, a secretary and treasurer, and shall have a seal, and shall have power to administer oaths and take testimony. It shall hold meetings for the examination of applicants for license to engage in veterinary work at the capitol, on the Tuesday preceding the second Wednesday in January and July in each year, and such other meetings as may be necessary; but no meeting shall exceed three days' duration. Each member shall receive five dollars a day for actual services, and mileage at four cents a mile for necessary travel, to be paid out of the funds of the board. The secretary shall conduct all correspondence necessary to carry out the provisions of this act; keep a record of all proceedings, including the name of every applicant for registration or examination, with his age, the extent of his study or practice, and the name of his veterinary college, if any, and shall receive such compensation as the board

may elect. Such record shall be prima facie evidence of the matters therein contained. ('07 c. 419 § 1) [5063]

Section 6 repeals inconsistent acts, etc., thereby superseding R. L. §§ 2350-2353.

5848. Who entitled to examination—Fee—License— Every graduate of a reputable and regularly organized veterinary college requiring a course of not less than three sessions of six months each shall be entitled to examination by the board, upon payment in advance of a fee of twenty-five dollars. All moneys so received shall be devoted to carrying out the provisions of this act. The board shall issue a license to every such applicant who, upon examination, shall be found qualified. ('07 c. 419 § 2) [5064]

5849. Renewal fee—Revocation— Every person registered by the board shall, while continuing to practice, annually pay to the secretary of the board a renewal fee of one dollar. All certificates now in force or which shall hereafter be issued, shall be subject to renewal on or before the first of May in each year. On hearing, the board may revoke any certificate or renewal which is obtained by fraud, or when the holder is guilty of gross moral or professional misconduct the board may deny a renewal of his certificate, subject to review by the courts. ('07 c. 419 § 3) [5065]

5850. Recording licenses— Every person holding a license from the board shall file it for record with the clerk of the district court in the county or counties where he practices within thirty days of its date; but it shall not be necessary to record an annual renewal. The clerk's fee in each case shall be one dollar. ('07 c. 419 § 4) [5066]

5851. Prohibitions—Prior laws — Penalties — No person who is not a holder of a license from the state veterinary board, and no person who fails to have his license annually renewed, shall engage in veterinary practice for hire. But this shall not apply to the de-horning of cattle or the castration of animals, nor shall it prevent any one from rendering necessary assistance in the treatment of any domestic animal when the attendance of an authorized veterinarian cannot be procured without great inconvenience or risk. Provided, that any one who was eligible to registration under the provisions of section three of chapter one hundred forty-nine of the Laws of 1903, and who erroneously filed an application and affidavit with the clerk of the district court in his county shall upon payment of the fee provided for in section 2 receive a certificate. Provided, further, that any person who was eligible to registration, but who by reason of sickness failed to take advantage of chapter 31 of the General Laws of 1893, or chapter 149 of the Laws of 1903, may be granted a license by said board upon payment of a fee of twenty-five dollars as specified in section 2 [5848] of this act, provided application is made within thirty days after the passage of this act. Provided further, that any person who has practiced the profession of veterinary medicine, surgery and dentistry as a livelihood in this state for three years, immediately preceding April 18, 1893, and who in the meantime shall not have been guilty of violating the provisions of section 7, chapter 31, Laws of 1893, and the acts amendatory thereof, shall be deemed eligible to registration as a licensed veterinarian in this state (upon passing a practical and non-technical examination) and upon the payment of a fee of twenty-five dollars, as prescribed in section 2 [5848] of this act. Provided that application for registration be made within ten days after the passage of this act. Every person who shall violate any of the provisions of this act shall be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars or not less than

thirty nor more than ninety days' imprisonment for each and every such offense. The penalties prescribed in this section may be recovered in a civil action instituted by the board in the name of the state, or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such proceeding, the board may employ another attorney for the purpose. ('07 c. 419 § 5) [5067]

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HORSESHOERS

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5852. Board of examiners—The horseshoers' board of examiners shall consist of five members, residents of the state, appointed by the governor, each for the term of five years and until his successor qualifies. Two shall be master horseshoers, two journeyman horseshoers, and one a veterinarian. Each vacancy shall be filled for the unexpired term from the class to which the retiring member belonged. The board shall elect from its members a secretary, who shall record its proceedings, and it shall carry out the provisions of this subdivision. At least once a year, in every city of the first class, the board shall examine applicants for certificates of qualification to practice horseshoeing, and issue such certificates to those found qualified. A fee of two dollars shall be paid to the secretary by every person taking such examination, and such fees shall be used to defray the expenses of the board and pay its members. The secretary shall give public notice of every examination at least thirty days prior thereto. No person shall be entitled to take such examination or receive such certificate unless he shall have had three years' experience as a horseshoer, or have served three years as a learner or apprentice under a master. (2354) [5068]

5853. Filing certificates — Copies — Exemption — All certificates shall be filed with the city clerk, and registered by him in a book kept for that purpose, upon receipt of a fee of twenty-five cents. Any person so registered shall be entitled to registration in any other city to which he may have removed, upon filing with the clerk thereof a certified copy of such certificate, the fee for which copy shall be fifty cents, and for filing the same twenty-five cents. Persons who were duly registered prior to the taking effect of the Revised Laws shall be exempt from examination. (2355) [5069]

5854. Registration—No person shall practice horseshoeing in any such city, otherwise than as a learner or apprentice under a master horseshoer, unless he is registered in accordance with this subdivision. Any person who shall present to a city clerk any certificate which has been fraudulently obtained, or who shall violate, or neglect to comply with, any provision of this subdivision, shall be guilty of a misdemeanor. (2356) [5070]

STALLIONS

5855. Horses used for breeding purposes to be registered—No person, firm or company shall use or offer for public service in this state, any stallion or jack, unless and until the owner of said stallion or jack shall have caused the name, description, and pedigree of such stallion or jack to be enrolled by the Stallion Registration Board, hereinafter provided for, and shall have secured a license certificate as hereinafter provided for. The term "Public service" for the purposes of this act shall apply to and include the mating of any stallion or jack, by any person, to mares other than his own. All enrollment and verification of pedigrees shall be done in the Division of Animal Husbandry of the Department of Agriculture, University of Minnesota. ('21 c. 293 § 1)

5856. Stallion Registration Board constituted—Meetings—Duties—In order to carry out the provisions of this act there shall be constituted a Stallion Registration Board which shall hereinafter be referred to as the "Board" whose duty it shall be to enroll, verify, and pass upon pedigrees; to pass upon certificates of examination; to issue stallion and jack license certificates; and to perform such other duties and incur such expenses as may be necessary to carry out and enforce the provisions of this act. Said Board shall hold meetings the first Tuesday and subsequent days of February, May, August and November of each year, and such other meetings as may be necessary. The Board shall be composed ex-officio of the president of the Minnesota Horse Breeder's Association, the veterinarian of the Minnesota Experiment Station, and the Professor of Animal Husbandry of the Department of Agriculture, University of Minnesota. Said Board shall have power to employ an executive officer to perform the active work and urgent duties provided for by this act. ('21 c. 293 § 2)

5857. Licenses—Recognized registry associations—In order to secure a license certificate herein provided for, the owner of said stallion or jack shall present to the Board an application for license together with the original studbook registry certificate of said stallion or jack which is properly issued by a recognized registry association, and other papers relating to the breeding and ownership of said stallion or jack, and the fees hereinafter provided for. In the event that the certificate of registry presented shall in any manner be irregular or fraudulent, said Board shall have the power to refuse to issue a license based upon such certificate, or to revoke any license which may have been issued by reason thereof. The following registry associations are hereby designated as recognized registry associations: American Trotting Register Association; American Association of Importers and Breeders of Belgian Draft Horses; Arabian Horse Club of America; Cleveland Bay Society of America; American Clydesdale Association; French Coach Horse Society of America; French Coach Horse Registry Co.; German, Hanoverian, and Oldenburg Coach Horse Association of America; American Hackney Horse Society; Morgan Horse Register; Percheron Society of America; American Breeders and Importers Percheron Registry Co.; Percheron Registry Co.; American Saddle Horse Breeders Association; American Shetland Pony Club; American Shire Horse Association; American Suffolk Horse Association; The Jockey Club; The National French Draft Horse Association; Welsh Pony and Cob Society of America; Standard Jack and Jennet Registry of America; American Breeders Association of Jacks and Jennetts. Said owner shall have said stallion or jack examined by a qualified, graduate veterinarian approved by the Board, and it shall be the duty of the examining veterinarian to furnish the Board with a certificate of examination certified to before a Notary Public, setting forth the condition of soundness of the stallion or jack examined. Upon verification of the certificate of pedigree and upon receipt of the veterinarian's certificate of soundness, and upon payment of the fee hereinafter provided for, a stallion or jack license shall be issued to the owner of said stallion or jack, except as hereinafter provided for. ('21 c. 293 § 3)

5858. Diseases—Examination—The presence of any one or more of the following named diseases shall disqualify a stallion or jack from public service, and are hereby defined as infectious, contagious, or transmissible disease or unsoundness for the purposes of this act: Bone spavin, sidebone, ringbone, curb (when accompanied by curby formation of the hock), glanders-

farcy, maladie-ducoit, urethral gleet, and mange. The Board is hereby authorized to refuse certificate of enrollment to any stallion affected with any one of the diseases or unsoundnesses specified, and to revoke a previously issued stallion license certificate of any stallion found on examination to be so affected. Provided, however, that in the event a stallion, previously licensed, is found upon re-examination to be affected with any disease or unsoundness hereinbefore specified, the Board may grant the owner of said stallion a license, said license to set forth the condition of soundness as reported by the examining veterinarian. The owner of every stallion or jack licensed under the provisions of this act shall have said stallion or jack re-examined every fourth year until said stallion or jack is ten years of age, at which time he shall be exempt from further re-examination. ('21 c. 293 § 4)

5859. Owner may protest—Re-examination—Whenever a stallion or jack has been rejected by the Board and the owner is not satisfied with the decision, said owner may file a protest. Said protest shall be accompanied by a certified check to the amount of \$10, and upon receipt of these papers the Board shall provide for re-examination to be made by a competent disinterested veterinarian, other than the one who made the first examination. In case the report of this veterinarian shall agree with that made by the veterinarian previously examining the stallion or jack, his decision shall be final and the expense of the examination shall be paid from the certified check deposited by the stallion or jack owner, and the balance, if any, shall be refunded to him. In case the second examining veterinarian shall declare that the stallion or jack is not affected with any of the diseases or unsoundnesses hereinbefore specified, the expense of the examination shall be paid by the Board out of the funds hereinafter provided for, and the deposit of the owner shall be refunded to him. ('21 c. 293 § 5)

5860. Temporary certificates—The Board is authorized in cases of emergency to grant temporary license certificates without veterinary examination upon receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said stallion or jack is free from infectious, contagious, or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made. ('21 c. 293 § 6)

5861. License to be posted—The owner of any stallion or jack standing for public service in this state shall during the entire breeding season, keep an exact copy of the license certificate of such stallion or jack, posted in a conspicuous place on every stable or building where said stallion or jack stands for public service. Said copies shall be printed in bold face and conspicuous type, not smaller than that appearing in the license certificate issued by the Board. Every hand-bill and poster issued by the owner of any stallion or jack licensed under this act, shall contain an exact copy of his license certificate and shall not contain illustrations, pedigrees, or other matter that is untruthful or misleading. Every newspaper advertisement pertaining to or describing the stallion or jack as a sire, shall contain in conspicuous type, the name of the class (whether pure-bred or grade) and the number of the license certificate issued by the Board, for said stallion or jack, and shall not contain illustrations, pedigrees or other matter that is untruthful or misleading. ('21 c. 293 § 7)

5862. How registered—Any stallion, the pedigree of which is properly registered in a recognized studbook, shall be licensed as a Pure-Bred. Any stallion which is not registered in a recognized studbook shall be licensed as a Grade. Any jack, the pedigree of

which is properly registered in a recognized studbook shall be licensed as a Registered Jack. Any jack which is not properly registered in a recognized studbook shall be licensed as a Non-Registered Jack. Any stallion registered in the Non-Standard Department of the American Trotting Register shall be licensed as a Grade. ('21 c. 293 § 8)

5863. Fees—Renewal—A fee not to exceed \$4 shall be paid to the Secretary of the Board for the examination and enrollment of each pedigree and the issuance of a license certificate in accordance with the breeding of the stallion or jack. In order to keep said license certificate effective, a fee not exceeding \$2 shall be paid annually for the renewal of the license certificate. In case the license is not renewed, the Board is authorized to revoke such license. A fee of \$5 shall be paid to the Board for the veterinary examination of each horse examined, when the veterinarian making such examination is employed by the Board. ('21 c. 293 § 9)

5864. Transfer of certificate—Upon transfer of ownership of any stallion or jack licensed under the provisions of this act, the license certificate may be transferred by the Secretary of the Board upon submittal of satisfactory proof of such transfer and upon payment of a fee of \$1.00. ('21 c. 293 § 10)

5865. Importer must obtain certificate—Every person importing into the state any stallion or jack for breeding or sale purposes, shall first secure a certificate from a competent and reputable veterinarian, or a state license certificate, certifying that such stallion or jack is free from all of the diseases and unsoundnesses heretofore specified. A copy of such certificate must be attached to the way-bill before the importation of such stallion or jack into the state. ('21 c. 293 § 11)

5866. Violation—Penalties—Violation of any of the provisions of this act is hereby made a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail for not less than ten days nor more than thirty days for each offense. The burden of proving his license shall be upon the defendant in all actions hereinafter referred to. ('21 c. 293 § 12)

5867. Disposition of funds—The funds accruing from the above-named fines, fees, or from other sources, shall be used by the Board to defray the expenses of enrollment of pedigrees and issuance of licenses, to provide for the examination of stallions and jacks; to publish reports or bulletins containing lists of stallions and jacks examined; to disseminate information pertaining to horse breeding, and for any other such purposes as may be necessary to properly carry out and enforce the provisions of this act. It shall be the duty of this Board to make annual report, including financial statement, to the governor of the state, and all financial records shall be subject to inspection at any time by the public examiner. ('21 c. 293 § 13)

5868. Lien for service—Action—Every stallion or jack owner complying with the provisions of this act shall have a lien on each mare served and first lien on the offspring resulting from such service, to the amount of the agreed service fee. Said lien shall become effective upon the birth of the foal or upon the fulfillment by the owner of said stallion or jack of his contract, or in case of removal or attempted removal of the mare without consent of the person holding the lien, from the county wherein her owner resides at the time of service, and it shall remain effective for a period of eighteen (18) months from the date of service. In case his right of action accrues, the owner of such stallion or jack may file with any justice of the peace in the county, a written statement containing

his cause for action, amount of his claim and a description of the mare upon which he has a lien, and the justice shall thereupon issue a summons as in other cases and an order to the constable to take the animal and her offspring if there be an offspring, and hold (her) or them subject to the order of the court. If upon trial, judgment be rendered for the plaintiff the court shall order a sale of the animal or animals to pay the judgment and costs. ('21 c. 293 § 14)

5869. Records, etc., to be property of board—That the records, files, supplies and funds which have accumulated under the provisions of Chapter 436, Statutes of 1907, shall become the property of the Stallion Registration Board herein provided for, and that insofar as these records and licenses issued thereunder do not conflict with any provisions of this act, they shall be accepted by the board herein provided for and remain effective for the regular time for which they were originally issued. ('21 c. 293 § 15)

5870. Repeal—That Chapter 436 of the General Laws of 1907 is hereby repealed. ('21 c. 293 § 16)

5871. Not to issue license for mongrel stallion after Jan. 1, 1928—The board is hereby authorized to refuse to issue a license to a mongrel stallion beginning January 1, 1928. ('21 c. 293 § 17)

ELECTRICIANS

5872. State board of electricity—The state board of electricity shall consist of five members, residents of the state, appointed by the governor, each for a term of five years and until his successor qualifies, of whom two shall be master electricians, two journey-men electricians, recommended by their unions of this craft, and one a consulting engineer or electrical inspector of a city. Vacancies shall be filled in the same manner and from the same class from which the retiring member belonged. The board shall select from its members a president, secretary and treasurer, prescribe rules for the management of its affairs and adopt a seal. Each member shall receive three dollars a day for actual services and ten cents per mile for traveling expenses and his necessary expenses and the secretary such additional compensation as the board may allow; all to be paid out of the treasury of the board. The board shall meet at least once a year in the state capitol and may meet at any other time at places upon sufficient notice to the members. It shall have jurisdiction and this subdivision shall apply only to cities of the first class. (R. L. § 2357, amended '13 c. 554 § 1) [5082]

1913 c. 554 § 6 repeals all inconsistent acts, etc.

5873. Classification, examination, licenses, etc.—There shall be master, journeyman and special electricians, and in the last class shall be included persons employed to operate electric light or power apparatus and keep the same in repair. Every person not already a registered or licensed electrician who shall hereafter engage in the occupation of operating, installing or repairing electrical wires or apparatus shall apply to the board for a license to follow such occupation. The board shall examine the applicant and if he take the oath, hereinafter mentioned, and be found upon examination to be possessed of skill and knowledge in the business and reasonably versed in laws of electricity, the board shall issue to him a license, to follow such calling for two years, signed by the president and secretary and attested by the seal. All licenses heretofore issued by the board shall expire at the end of two years after the taking effect of the revised laws. The employes of the interstate telephone and telegraph companies shall not be required to hold licenses. Every licensee shall report his licensing and renewal thereof to the proper electrical inspector, if any there

be, in the city in which he operates and display such license conspicuously in his place of business and exhibit it on lawful demand. Holders of journeyman and special electrician licenses shall be furnished with a duplicate of said license, printed or engraved on substantial cardboard of a size of two and one-half inches by four inches, which the holder shall produce upon lawful demand. For cause, and after hearing all interested parties, the board may revoke such license and shall notify the city inspector of its revocation. Renewals of licenses for the same term shall be granted without examination. (R. L. § 2358, amended '13 c. 554 § 2) [5083]

5874. Bonds—Every master electrician shall before receiving license as such give bond to the state in the penal sum of five thousand dollars, which bond shall be approved by, and filed with, said state board of electricity. This bond to be conditioned upon the faithful performance of all work entered upon or contracted for by said master. A journeyman electrician holding a state license shall, without further examination, be issued upon application to the state board of electricity a master electrician license, providing that he give bond as provided in this section. An action may be maintained on said bond by any person injured or damaged through the want of skill or the use of unsuitable or improper material in the performance of any work contracted for or undertaken by said master electrician or his servants or his employees. (R. L. 2359, amended '13 c. 554 § 3) [5084]

5875. Registered electricians—Every certificate of registration heretofore issued by such board shall be good for two years from the adoption of the Revised Laws, and thereafter the holder shall be entitled to a license without examination. Any electrician engaged in the business prior to the adoption of Revised Laws in any city first brought by such laws under the jurisdiction of the board, within six months after the taking effect thereof, shall apply to the board for a license, which shall be issued to him, without examination, on payment of a fee of two dollars. The secretary shall keep a register of all certificates and licenses issued. (2360) [5085]

5876. Qualifications and rights—Fees—A person under the age of twenty-one years shall be licensed only as a special electrician. Every applicant for a master electrician's license shall pay a fee of five dollars (\$5.00) and take oath that he has had three years' experience in the occupation, or if a corporation apply, an officer or manager thereof shall take such oath after being duly examined as master. An applicant for a journeyman electrician's license shall pay a fee of three dollars (\$3.00) and take oath that he has had three years' experience in the installing and repairing of electrical wires and apparatus. An applicant for a special electrician's license shall pay a fee of two dollars (\$2.00) and make oath that he has had two years' experience in the special line of work for which he asks license and which shall be set forth in such license. No contracts for electrical work shall be entered into by any one not a licensed electrician. (R. L. § 2361, amended '13 c. 554 § 4) [5086]

5877. Apprentices—Nothing in this subdivision shall prevent a person from serving as an apprentice under a licensed electrician but no master electrician shall have more than one apprentice to each two journeymen in his employ. No master electrician shall allow any apprentice to work at any installation of electrical wires or apparatus unless such apprentice is working with a licensed electrician on the job. (R. L. § 2362, amended '13 c. 554 § 5) [5087]

5878. Disposition of fees—Report—All fees collected under this subdivision shall be devoted to the uses of the board, and before the first Monday in January, annually, it shall report to the governor, in writing, the items of its receipts and disbursements for the preceding year. (2363) [5088]

5879. Penalties—Any person who shall engage in the business of installing or repairing electrical wires or apparatus without having complied with the laws respecting registration and license, or who shall violate any of the provisions of this subdivision, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars. (2364) [5089]

PRIVATE DETECTIVES

5880. License—It shall be unlawful for any person to act as or hold himself out to be a private detective or to establish or engage in the keeping, maintaining or operating of any private detective agency, or to carry on any private detective work within this state, without having first obtained a license therefor from the governor of the state of Minnesota upon application therefor on the payment of the fee and filing of the bond hereinafter provided for. ('07 c. 457 § 1) [5090]

5881. Term—Such license, unless sooner revoked, shall be and remain in force for three years from the date thereof. ('07 c. 457 § 2) [5091]

5882. Fee—Bond—Revocation—No such license shall be issued until such applicant shall have paid into the state treasury the fee hereinafter provided, and shall have filed with the secretary of state a bond duly approved by the governor in the sum of \$2,000, conditioned on the payment of all damages suffered, or sustained by any person by reason of any wilful or malicious act on the part of such detective or detective agency or any employe of such detective or agency. Said license so issued may be revoked by the governor at any time, but no license shall be so revoked until the licensee shall have had an opportunity to appear and defend any charges made against him. Such charges shall be written and filed with the secretary of state, and shall have been served upon said licensee not less than ten days prior to the date of such hearing. ('07 c. 457 § 3) [5092]

5883. Employes of licensed detective—Nothing in this act contained shall be construed to prevent unlicensed persons from entering the employ of or working for and under the supervision of a regularly licensed private detective or detective agency, or any detective from any other state on a case having originated in another state. ('07 c. 457 § 4) [5093]

5884. Amount of fee—Each licensed detective agency shall pay a license fee of \$10.00. ('07 c. 457 § 5) [5094]

5885. Prohibition—Unless connected with or employed by a regular licensed detective agency, no person shall do or offer to do any detective work for money or other emolument within the state of Minnesota. ('07 c. 457 § 6) [5095]

5886. Penalty—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed one hundred dollars or imprisoned in the county jail for not to exceed three months, or both, for each and every violation thereof. ('07 c. 457 § 7) [5096]

5887. "Person"—In the construction of this act the word "person" shall be held to mean person, persons, co-partnership or corporation. ('07 c. 457 § 8) [5097]