

REVISED LAWS OF
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

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

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

COMPILED AND ANNOTATED BY
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the payment of the fee and filing of the bond hereinafter provided for. ('07 c. 457 § 1)

Historical.—"An act to provide for the license and regulation of private detectives and detective agencies and their employment and operation in the state of Minnesota." Approved April 25, 1907.

Section 9 repeals inconsistent acts.

[2364—]2. **Term.**—Such license, unless sooner revoked, shall be and remain in force for three years from the date thereof. ('07 c. 457 § 2)

[2364—]3. **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 willful or malicious act on the part of such detective or detective agency or any employé 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)

[2364—]4. **Employés 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)

[2364—]5. **Amount of fee.**—Each licensed detective agency shall pay a license fee of \$10. ('07 c. 457 § 5)

[2364—]6. **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)

[2364—]7. **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)

[2364—]8. **"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)

CHAPTER 36.

PROTECTION AGAINST FIRE.

2373-2374. [Superseded.]

See sections [2374—]1 to [2374—]9, and note under section [2374—]1.

[2374—]1. **Hotels, lodging houses, etc.—Fire escapes—Ropes in bedrooms—Penalty.**—Every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel or public lodging house, or place where sleeping accommodations are furnished to the public, whether with or without meals, shall have and be provided with, at each end of all halls from every story or floor higher than three stories, a suitable fire

escape, reaching to within twelve feet of the ground, and shall have and be provided with a way of egress to such fire escape, which way of egress and fire escape shall at all times be kept free and clear of any obstruction, and in good repair and ready and suitable for immediate use, or in lieu thereof in any and all buildings, or structures kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel, public lodging house or place where sleeping accommodations are furnished to the public, whether with or without meals, there shall be supplied and kept at all times, in plain sight, and securely attached therein and thereto, in every bedroom or sleeping apartment on the second floor or above the second floor a manilla rope, with knots not more than 15 inches apart, at least five-eighths of an inch in diameter, and of sufficient strength to sustain a weight and strain of at least five hundred pounds; and every owner of any such building or structure, in this section described, who shall fail to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars, nor more than twenty-five dollars, and in default of payment thereof shall be imprisoned for not less than ten days. Provided this act shall not apply to hotels or lodging houses which are already provided with ample outside iron fire escapes, or to fire proof buildings. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 1.)

Historical.—"An act to amend chapter 301 of the General Laws of Minnesota for 1903, being an act to provide for the construction, equipment and regulation of hotels, inns and public lodging houses." Approved April 19, 1905.

Laws 1903, c. 301, was repealed by R. L. § 5546; its provisions being incorporated in part in sections 2373, 2374. So far as the provisions of Laws 1905, c. 343, differ from the Revised Laws, they are to be construed by virtue of section 5504, as amendatory or supplementary, and their effect is to supersede sections 2373, 2374.

[2374—]2. Same—Ropes in bedrooms—Penalty.—Any person or persons keeping, maintaining, controlling or managing any building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel, public lodging house or place where sleeping accommodations are furnished to the public, whether with or without meals, shall supply and shall keep at all times, and in plain sight, and securely attached therein and thereto, in every bedroom, or sleeping apartment, on second floor, or above second floor, a manilla rope, with knots not more than 15 inches apart, at least five-eighths of an inch in diameter, and of sufficient strength to sustain a weight and strain of at least five hundred pounds, and on failing to supply such ropes such person or persons shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than five dollars, nor more than twenty-five dollars, and in default of payment thereof, may be imprisoned not less than ten days. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 2.)

[2374—]3. Same—What buildings included.—All inns, hotels, public lodging houses and places of twelve sleeping rooms or more where sleeping accommodations are furnished to the public, whether with or without meals, in the State of Minnesota shall be subject to the provisions of this act, except as already herein provided. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 3.)

[2374—]4. Same—Inspector, how appointed—Salary—Duties and powers—Expenses—Records.—For the purpose of carrying into effect the provisions of this act, the governor shall appoint an inspector at a salary of \$1,200 a year, who shall hold office for two years, and whose duty it shall be to visit and inspect annually, so far as possible, every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, a hotel, public

lodging house or place where sleeping accommodations are furnished to the public, whether with or without meals. His necessary traveling expenses shall be paid on the filing of proper vouchers; said inspector is hereby granted police power to enter all hotels, inns, boarding or lodging houses in this state, at reasonable hours to inspect the sanitary condition thereof, and the fire escapes and their condition. He shall keep a complete set of books for public use and inspection showing the condition of said hotels, inns, or public lodging or boarding houses and places so inspected, together with the name or names of the owners, proprietors or managers thereof, and showing its sanitary condition, the number and condition of its fire escapes and any other information for the betterment of the public service. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 4.)

[2374—]5. **Same—Certificate of inspection—Duty of county attorney.**—If the inspector shall find after examination of any inn, hotel, public lodging house or place where sleeping accommodations are furnished to the public, whether with or without meals, that this law has been fully complied with, and the inspection fee has been paid to the inspector, he shall issue a certificate to the person operating the same, and said certificate shall be kept posted up in a conspicuous place in said inspected building. It shall be the duty of the county attorney in the county wherein the building is located to bring and prosecute an action for the collection of the inspector's fees in cases where payment of the same is refused. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 5.)

[2374—]6. **Same—False certificate — Penalty.**—Any inspector who shall wilfully certify falsely regarding any building inspected by him, and who shall issue a certificate to any person operating any inn, hotel, public lodging house or place where sleeping accommodations are furnished to the public, whether with or without meals, when such person has not complied with the provisions of this act, shall on conviction thereof, be fined not less than fifty dollars, nor to exceed five hundred dollars, and may be imprisoned not to exceed one year in the state prison, or both, at the discretion of the court, and removed from office. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 6.)

[2374—]7. **Same—Free access — Obstructing inspector—Penalty.**—For the purpose of inspecting them as provided for in this act the inspector shall, during the hours from 10 a. m. to 4 p. m., have free access to all halls in any hotel, inn, public lodging or boarding house or place where sleeping accommodations are furnished to the public, whether with or without meals. Any person or persons operating the same who shall refuse or hinder the inspector from entering any hall in any building that this law requires him to inspect shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5 nor more than \$25 and in default of payment thereof shall be imprisoned for not less than ten days nor more than thirty days. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 7.)

[2374—]8. **Same—Fees—How disposed of.**—All fees collected by the inspector shall be retained by him, provided, however, any amount collected by him in excess of twelve hundred dollars per annum for his services and not exceeding five dollars a day for traveling expenses while actually engaged in inspecting buildings, shall be turned into the state treasury. The inspector shall be authorized to charge and collect the following fees for official inspections of buildings as herein provided, viz., building of twelve and less than thirty rooms, 50 cents; thirty and less than sixty rooms,

\$1; sixty and less than one hundred rooms, \$1.50; one hundred and less than two hundred rooms, \$2, and all buildings two hundred rooms or more, \$3. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 8.)

[2374—]9. **Same—Deputies—Bonds—Reports.**—The inspector shall be authorized to appoint one or more deputy inspectors. The inspector and deputy inspector shall each give a bond in the sum of \$5,000. The inspector shall be required to report all transactions to the state auditor every three months, and also make a report at the end of each year. (Laws 1903, c. 301, as amended by Laws 1905, c. 343, § 9.)

[2374—]10. **Halls and theaters—Fire resistant curtain.**—That the proscenium or curtain opening of all halls and theaters used for theatrical purposes and having a seating capacity of 600 or more in any city in the State of Minnesota shall have a fire resistant curtain of asbestos or some other approved incombustible material. Said curtain shall be properly constructed; shall be operated by proper mechanism and shall be raised at the commencement of each performance and lowered at the close of each performance. ('05 c. 319 § 1)

Historical.—“An act requiring halls and theaters in all cities of Minnesota to be furnished with asbestos or other incombustible curtains, and providing for the enforcement thereof.” Approved April 19, 1905.

[2374—]11. **Same—Inspector—Duties—Fees.**—That it shall be the duty of the common council of every city in the State of Minnesota, to appoint some competent person as inspector of halls and theaters. It shall be his duty to inspect every hall and theater in his city at least once in each year to see that the provisions of section one [2374—10] of this act have been complied with. He shall receive for each hall or theater inspected by him a fee of three dollars to be paid by the owner or tenant of such hall or theater. ('05 c. 319 § 2)

[2374—]12. **Same—Certificate as evidence.**—That the certificate of such inspector shall be prima facie evidence of the compliance with the provisions of this act for the space of one year from the date thereof. ('05 c. 319 § 3)

[2374—]13. **Same—Penalty for violation.**—The owner or owners, tenant or tenants of any hall or theater in any city of this state failing or neglecting to comply with the provisions of section one [2374—10] of this act shall be liable to a fine of not more than three hundred dollars and not less than fifty dollars. ('05 c. 319 § 4)

[2374—]14. **Fire marshal—How appointed—Bond—Salary.**—The governor, by and with the advice and consent of the senate, shall appoint a state fire marshal who shall hold office until the first Monday of January in the odd numbered year next ensuing, and until his successor qualifies. But such marshal may be superseded by the governor at pleasure, and any vacancy in the office may be filled by like appointment for the unexpired time. He shall give bond to the state in the penal sum of \$25,000, conditioned for the faithful discharge of his official duties, and shall receive a salary of \$2,500 per annum, payable monthly. ('05 c. 331 § 3)

See note under section [1641—]1.

[2374—]15. **Investigation of fires.**—Upon the request of the mayor of any city or village, or of the chief of a fire department thereof, or of the clerk of any town, or of any fire insurance company or its general agent, the state fire marshal shall forthwith investigate the origin, cause and circumstances of any fire occurring within the state, whereby property has been destroyed or damaged,

and shall ascertain if possible whether the same was the result of carelessness or design. ('05 c. 331 § 4)

See note under section [1641—]1.

[2374—]16. **Duty of fire department chief—Records.**—The chief of every organized fire department shall immediately report to said fire marshal, upon blanks furnished by him for that purpose, the facts concerning the origin, cause and circumstances of any fire occurring within the district to which the duties of such chief relate. And said fire marshal shall keep in his office a record, open to public inspection, of all fires so reported and of all obtainable facts and statistics pertinent thereto, and such records and data concerning premiums collected by fire insurance companies as the commissioner of insurance may require. ('05 c. 331 § 5)

See note under section [1641—]1.

[2374—]17. **Powers and duties of marshal.**—Said fire marshal shall have power to administer oaths, take testimony, compel the attendance of witnesses and the production of documents, and to enter, at any time, any buildings or premises where a fire has occurred or is in progress, or any place contiguous thereto, for the purpose of investigating the origin and character of such fire. He shall upon request of the commissioner of insurance investigate any complaint of discrimination in premiums made against any fire insurance company, officer or general agent. And he may enter and examine any building for the purpose of ascertaining the fire risks to which it is exposed, and may require the owner or occupant to remove combustible material improperly placed therein, and to remedy any unnecessary exposure to fire risks found therein. If any such owner or occupant shall neglect for the space of ten days to comply with any lawful direction of the fire marshal, he shall be guilty of a misdemeanor. ('05 c. 331 § 6)

See note under section [1641—]1.

[2374—]18. **Arson—Prosecution.**—If upon investigation of any fire as herein provided, the fire marshal shall be satisfied that there is sufficient evidence to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such crime, and shall furnish to the proper county attorney all the information and evidence obtained by him, including a copy of all pertinent testimony taken in the case. ('05 c. 331 § 7)

See note under section [1641—]1.

[2374—]19. **Annual report—Deputy—Salary—Expenses.**—The fire marshal shall make an annual report of his official actions in detail to the governor. He shall appoint one deputy at a salary not to exceed the sum of eighteen hundred dollars, and he may incur such other expenses as may be necessary to carry out the provisions of this act, not to exceed the sum of two thousand dollars per annum, and such expenditures, including salaries, shall be paid out of the proceeds of the tax provided for by section 10[2374—21] of this act. (Laws 1905, c. 331, § 8, as amended by Laws 1907, c. 451, § 1.)

Historical.—"An act to amend section 8, chapter 331, Laws of 1905, entitled 'An act to prevent unjust discrimination in the fixing of fire insurance premiums, to provide for the appointment of a fire marshal and defining his duties, and to provide additional revenue for the enforcement of such act.'" Approved April 26, 1907.

See note under section [1641—]1.

[2374—]20. **Policies, not affected by investigation—Evidence.**—No action taken by such marshal shall affect the rights of any policy holder in respect to his loss by reason of any fire so investigated, nor shall the result of any such investigation, or the fact

that an investigation was requested or made, be given in evidence upon the trial of any civil action upon such policy. ('05 c. 331 § 9)

See note under section [1641—]1.

[2374—]21. Additional tax—Proceeds, how appropriated.—Every fire insurance company doing business in the state, except town mutual companies, shall hereafter pay to the state treasurer on or before the first Monday of April in each year, in addition to all other taxes and fees required of it by law, a tax equal to one-fourth of one per cent of the net premiums collected by it for insurance upon property within the state. So much of the proceeds of such tax as may be necessary for the purpose is hereby appropriated for the payment of the expenses incurred under the provisions of this act, and no such expenses shall be incurred in any year in excess of the gross receipts therefrom. ('05 c. 331 § 10)

See note under section [1641—]1. This section appears to be superseded, except as to certain domestic mutual companies, by section 1625 as amended.

CHAPTER 39.

BOUNTIES AND REWARDS.

2397. Wolves—Standing appropriation.—Every person who shall kill a wolf in this state shall be rewarded in the sum of seven and one-half dollars for a full-grown animal, and three dollars for a cub, to be paid by the state out of the revenue fund, and so much of said fund as may be necessary for such payments is hereby appropriated annually. Any county board may add to such reward, and appropriate county funds therefor. (R. L. 2397, as amended by Laws 1907, c. 381, § 1.)

2399. Clerk to issue certificate.—The town clerk shall make and file a certificate that he examined the carcass; that it was that of a full grown wolf or cub, as the case may be; and that the toes of both front feet were removed in his presence and in the presence of the witnesses named. All animals produced at any one time shall be included in one certificate, and the clerk shall furnish a copy thereof to the claimant, who shall pay a fee of twenty-five cents therefor, and ten cents for its filing. Provided, that in unorganized towns the application shall be made to the nearest town clerk in the county. (R. L. § 2399, as amended by Laws 1907, c. 298.)

2402. Gophers, rattlesnakes, crows, etc.—Any county board or board of town supervisors may by resolution offer a bounty for the destruction of gophers, ground squirrels, ground hogs, or wood chucks, rattlesnakes, crows or blackbirds. The resolution may be made to cover the whole or any part of the county, and may be annually renewed, but it shall have force and effect only during the calendar year in which it was adopted or renewed. The bounty shall in no case exceed five cents for each pocket gopher; three cents for each common gopher or ground squirrel; fifteen cents for each ground hog, or wood chuck; fifty cents for each rattlesnake, and ten cents a dozen for blackbirds killed during the months of April, May and June, and five cents a dozen for blackbirds killed during July, August, September and October; and ten cents for each crow killed between May 15 and June 15, and between August 15 and September 15. (R. L. § 2402, as amended by Laws 1909, c. 48, § 1.)

2403. Method of payment.—The bodies of such animals, reptiles and birds shall be produced to the chairman of the town board of