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GENERAL STATUTES OF  
MINNESOTA

SUPPLEMENT 1917

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

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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1918

in cases where the death of a human being results from such violation, when the person offending is guilty of a felony. (Amended '15 c. 62 § 1)

Cited (125-529, 147+273).

### STALLIONS

5071. Enrollment—License—Record—

Cited (124-374, 145+32).

## CHAPTER 36

### PROTECTION AGAINST FIRE AND REGULATION OF HOTELS AND RESTAURANTS

#### HOTELS, THEATERS AND OTHER BUILDINGS

5105. Classification of buildings—

126-149, 148+110; note under § 5108.

5107. Same—Class two—

126-149, 148+110; note under § 5108.

5108. Same—Class three—For each five thousand feet of area, or fraction thereof, covered by a building in class three, there shall be provided one outside standpipe, as described in § 5107, and one non-combustible ladder or stairway for each twenty persons, or fraction thereof, that such building accommodates above the first story. (2368)

(Provided, that this law shall not apply to flats, apartments or tenements designed for single families in buildings not over four stories high, where such flats, apartments or tenements are each substantially surrounded by solid brick, stone or concrete walls and where two stairways are provided on opposite sides of such buildings from each flat, apartment and tenement, such stairways not to be more than sixty feet apart;

Provided, further, that said act shall not apply to flats, apartments or tenements designed for single families in buildings not over three stories high, where the outside walls of such buildings are of brick, stone or concrete construction and where such flats, apartments or tenements are provided with two stairways on opposite sides of such buildings from each flat, apartment or tenement; such stairways, however, not to be more than fifty feet apart.) (Amended '15 c. 292 § 1)

1915 c. 292 § 1 amends section 5108 of the General Statutes of 1913, by adding at the end thereof the words above included in parenthesis.

A building held to be one within this section, so that a failure to provide a fire escape rendered the landlord liable for the death of a subtenant, resulting from the burning of the building (126-149, 148+110). Landlord and Tenant, ¶169(7).

A subtenant, in attempting to descend from a ladder which did not come within 20 feet of the ground, while the building was on fire and there was no other mode of escape, was not guilty of contributory negligence as a matter of law (126-149, 148+110). Landlord and Tenant, ¶169(11).

A ladder, within the contemplation of this section, must be one that offers a reasonably safe escape when other ways are closed, and a ladder which does not come within 20 feet of the ground does not comply with the statute (126-149, 148+110). Health, ¶32.

[5108—]1. Same—To what cities applicable—This law shall only apply to cities of the first class not governed by a home rule charter. ('15 c. 292 § 2)

See note under § 5108.

5123. Same—Expenses, how paid—On or before the 15th day of each month the hotel inspector shall certify to the state auditor the amount due to his deputy as necessary expenses for the preceding month, giving the items of such expenses; also the items and amounts of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage and travel; also the amount due the stenographer as com-

compensation for the preceding month, and such salaries and expenses being duly audited shall be paid by the state out of the appropriation therefor. ('13 c. 569 § 11, amended '15 c. 165 § 1)

### [MOVING PICTURES]

[5128—]1. **Cinematograph, etc., to be enclosed in booth**—No cinematograph or any other apparatus for projecting or showing moving pictures, save as excepted in section 12 of this act [5128—12], which apparatus uses combustible films more than ten inches in length, shall be set up for use or used in any building, or in any place of human assemblage, unless such apparatus be enclosed in a booth or room of the dimensions and of one of the constructions hereinafter specified. ('17 c. 466 § 1)

By § 30 the act takes effect September 1, 1917.

[5128—]2. **Size of booth**—Such booth shall be not less than six feet in height and shall be sufficiently large to permit the operator to walk freely on both sides and back of the machine and apparatus installed therein. ('17 c. 466 § 2)

[5128—]3. **Booth, how constructed**—(a) If the booth or enclosure is constructed of brick, tile or concrete it shall have walls, floor and ceiling or roof not less in thickness than eight inches except that if reinforced concrete is used the thickness need be only four inches.

(b) If the booth or enclosure is constructed of cement or plaster on expanded metal, or of sheet metal, asbestos or other approved fire-resisting material, such booth shall be constructed with an angle-iron framework, the angle-irons to be not less than one and one-half inches wide by one-quarter of an inch thick, the adjacent members to be joined firmly with not less than three-sixteenth inch steel plates to which each adjoining angle or tee-iron shall be riveted or bolted. The angle members of the framework shall consist of four outside horizontal members at top and bottom, four corner uprights and intermediate uprights on sides and ends and intermediate members on roofs spaced at least every two feet, but where expanded metal is used the studs and members may be made of folds in said metal.

Cement or plaster on expanded metal shall be at least two inches thick and grooves or binders for gravity doors shall be securely fastened to the metal studding.

Sheets of steel or galvanized iron then used as a covering for the frame, shall be of not less than No. 20, U. S. gauge, and sheets of asbestos board or other approved fire-resisting material shall be at least one-quarter of an inch in thickness. The fire-resisting material shall completely cover the sides, tops and all joints of such booth.

Sheet metal shall be so cut and arranged that joints shall always come over a member and shall be over-lapped and bolted or riveted to such member by bolts or rivets spaced not more than three inches on centers.

Asbestos boards or their equivalent shall be so cut and arranged that vertical joints between boards shall always come over an angle or tee-iron, to which such boards shall be securely fastened by means of proper bolts and nuts spaced not more than six inches on centers.

The floor space covered by the booth shall be covered with fire-resisting material not less than three-eighths of an inch in thickness. The entire booth shall be insulated so that it will not conduct electricity to any other portion of the building. ('17 c. 466 § 3)

[5128—]4. **Doorways and openings**—The doorway to such booth shall be not less than two or more than three feet in width nor more than five feet, ten inches in height. The door thereto shall consist of an angle frame of approved fire proof material covered with sheets of such fire-resisting material as may be used for the construction of a booth. It shall close against a substantial metal rabbet and shall be so arranged as to close automatically when not open for ingress or egress.

There shall be two openings in the booth for each machine, one for observation by the operator and one for operation of the machines, and other

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necessary opening for spot lights. These openings shall not exceed twelve inches by fourteen inches in dimensions and each shall be provided with a gravity door constructed of asbestos board or of sheet metal of not less than No. 14 U. S. gauge. Such doors normally shall be held open by a fine combustible cord fastened to a fusible link which melts at 160 degrees Fahrenheit and which shall be located within the booth directly above the moving picture machine. Doors shall be arranged to slide closed when released and when closed, shall overlap their respective openings two inches on each side. ('17 c. 466 § 4)

[5128—]5. **Non-combustible material**—All shelves, furniture and fixtures within the booth shall be constructed of non-combustible material. ('17 c. 466 § 5)

[5128—]6. **Ventilation**—Each booth shall be provided with a ventilating inlet on at least one side, said inlet to be approximately fifteen inches long and three inches high, the lower side thereof to be not more than three inches above the floor level.

There shall also be an opening or vent in the ceiling or upper part of the side wall with a minimum cross-sectional area of fifty square inches, which shall communicate by means of a fire-proof pipe or flue with the chimney or outer air. ('17 c. 466 § 6)

[5128—]7. **Portable booths permitted under certain conditions**—Where motion pictures are exhibited daily in one place for not more than one month, or in educational or religious institutions or in bona fide social, scientific, political or athletic clubs, not oftener than three times a week, a portable booth may be substituted for the booth described in section three of this act. Such booth shall have a height of not less than six feet and an area of not less than twenty square feet and shall be constructed of asbestos board, sheet steel of not less than No. 24 U. S. gauge, or some other approved fire-proof material. Such portable booth shall conform to the specifications of section four of this act with reference to windows and doors but need not so conform with reference to vent flues except that there shall be an opening for ventilation in the top of the booth not less than ten inches in diameter with a metal sleeve at least eighteen inches in height, provided with a ventilating cap, attached thereto.

The booth may be of the folding type but shall be so constructed that when assembled, it shall be rigid and all joints shall be so tight that flames cannot pass through them. The base of the booth shall have a flange extension outward on all four sides and so constructed that the booth may be securely fastened to the floor. Provided, however, that any fire proof booth in use when this act goes into effect, which is in substantial compliance with the provisions of the foregoing sections may be continued in such use so long as the same is reasonably safe, anything to the contrary herein contained, notwithstanding. ('17 c. 466 § 7)

[5128—]8. **Picture machines and electrical equipment, how installed**—All moving picture machines and all electrical equipment used in showing moving pictures shall be installed, constructed and operated in the following manner:

(a) All electrical equipment shall be constructed and installed in substantial compliance with the provisions of the national electrical code.

(b) Each picture machine shall be securely fastened to the floor.

(c) No films shall be exposed in the booth at the same time other than the one in process of transfer to or from the machine or from the upper to the lower magazine or in process of rewinding. A special metal case, made without solder, shall be provided for each film and when the film is not in the magazine or in process of rewinding, it shall be kept in such case. No material of a combustible nature shall be stored within any booth except films needed for one day's operation.

(d) Each machine shall be equipped with magazines for receiving and delivering films during the operation of the machine. Such magazines shall be constructed of metal of not less than No. 20 U. S. gauge with slots for the

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delivery and reception of films only large enough for films to pass in and out, and with covers so arranged that such slots can be instantly closed. No solder shall be used in the construction of these magazines. The doors to such magazines shall be provided with spring hinges and latches. A shutter shall be placed in front of the condenser so arranged as to close automatically when the film is stationary. ('17 c. 466 § 8)

[5128—]9. **Smoking and use of matches prohibited**—Neither smoking nor the keeping nor use of matches shall be permitted in any booth, room, compartment or enclosure where a motion picture machine is installed. ('17 c. 466 § 9)

[5128—]10. **Age and qualifications of operator**—No person shall operate any motion picture machine unless he shall be at least eighteen years of age, and the state fire marshal or one of his deputies under his direction, whenever he shall deem it necessary, may examine any operator of a motion picture machine as to his fitness to operate such a machine and if he shall find any such operator incompetent, he shall notify such operator thereof, in writing, and thereafter such operator shall not be permitted to operate any such machine in this state until such incompetency shall have been removed to the satisfaction of the state fire marshal. ('17 c. 466 § 10)

[5128—]11. **Electric wiring and lights**—All electrical wiring shall be brought into the booth in metal conduits. All lights within the booth shall be provided with wire guards and reinforced cord shall be used for pendant purposes. If the house lights are controlled from within the booth, an additional emergency control must be provided near the main exit and kept at all times in good condition. ('17 c. 466 § 11)

[5128—]12. **Foregoing sections not to apply, when**—The foregoing sections of this act shall not apply to the use and operation of any miniature motion picture apparatus which uses only an enclosed incandescent electric lamp and approved acetate of cellulose or slow burning films, and is of such construction that films ordinarily used on full sized commercial picture apparatus, cannot be used therewith. ('17 c. 466 § 12)

[5128—]13. **Exits for audience room**—Every audience room open to the public in which moving picture exhibitions are given, shall be provided with at least two exits on the main floor, one of which shall be in the front and the other in the rear of such room, both leading by safe passage to unobstructed outlets in a street or alley. Where balconies or galleries are used by the audience, one exit therefrom to the street or alley must be provided for each two hundred seats or fraction thereof installed. All exit openings shall be not less than three feet in width and six feet and eight inches in height. Exit doors must open outward and shall be so arranged that they can be readily opened from the inside without any keys or special effort and shall never be locked when the room is open to the public. Exits must be of easy and safe access to a street or alley, and passageways, stairways and inclines leading from exits to streets or alleys must be kept well lighted at all times and be not less than five feet wide. ('17 c. 466 § 13)

[5128—]14. **Electrical exit signs, etc.**—Each exit shall have over it on the auditorium side an illuminated sign bearing the word "Exit" in letters not less than six inches high. Lights used in marking exits or lighting passageways or stairways or inclines leading from them, shall be on a separate circuit or ahead of the main line switch and cutout. Such lights shall not depend upon or be exclusively controlled by wires, switches or fuses located in the booth or enclosure containing the motion picture machine but shall be controlled from the ticket office or from some point of easy access on the main floor. All exit, passage and stairway lights shall be kept lighted during all times when such audience room is open to the public. ('17 c. 466 § 14)

[5128—]15. **Style of seats, etc.**—All seats occupied by the audience, except in lounges and boxes shall be fixed and immovable; provided, however, that in public halls used only partially for moving picture theatre or assembly purposes, they may be fastened together in rows of not less than four

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seats without being fastened to the floor. In buildings hereafter equipped as moving picture theatres and in theatres wherein the seats are renewed or rearranged there shall not be more than seven seats in any one row opening upon one main aisle and not more than fourteen seats in any one row opening upon two main aisles and all rows of seats shall be separated by a space not less than thirty inches from back to back. ('17 c. 466 § 15)

[5128—]16. **Aisles, size of—To be free from obstruction—**All aisles shall lead directly to exits without steps or obstructions and shall be not less than three feet in width, and in buildings hereafter built or equipped as moving picture theatres such aisles shall be not less than three feet in width at the point most distant from the exit and shall increase in width toward the exit at least two inches to each ten running feet of length. All exits and all aisles must be kept clear and unobstructed at all times during the performance. ('17 c. 466 § 16)

[5128—]17. **Hand fire extinguishers to be provided—**Every such audience room shall be supplied with at least two approved hand fire extinguishers one of which shall be inside the booth and within easy reach of the operator, and one of which shall be in an accessible place near the main entrance to such room. In addition thereto there shall be at least one such extinguisher in each balcony or gallery used by the audience and at least one such extinguisher in the room where the furnace or heating plant is located when such plant is in the same building with the theatre. ('17 c. 466 § 17)

[5128—]18. **Machines to be above level of grade of street—**No motion picture machine shall be installed, maintained or operated in any audience room open to the public, which is below the grade of the street on which it is located or above the second floor above the street level. ('17 c. 466 § 18)

[5128—]19. **Certain sections not to apply to churches, schools, clubs or halls, etc.—**The provisions of sections 13, 14, 15, 16, 17, and 18 of this act [5128—13 to 5128—18] shall not apply to churches, schools, clubs or halls where moving picture exhibitions are given only upon occasions and solely for religious, benevolent, educational or scientific-demonstrative purposes. Provided, however, that no exhibitions shall be given where said sections are not complied with unless there shall be present a duly authorized member of the local fire department whose duty it shall be to keep all exits and aisles free from obstructions and to procure compliance with all laws for the prevention of fire; and it shall be the duty of the chief of the local fire department to direct the attendance of some member of his department upon request of any person intending to give such an exhibition. ('17 c. 466 § 19)

[5128—]20. **Power of state fire marshal—**Whenever the provisions of this act are not conformed to, or where defects of installation exist, the state fire marshal, or his deputy under his direction, is hereby empowered to cut off all electric current from said room or building at once, and no person shall restore the supply of electric current to such room or building until the defects are remedied and until all provisions of this law are complied with. ('17 c. 466 § 20)

[5128—]21. **Operation, etc., without license from state fire marshal—Application, investigation and fees—Permit in certain cases—**On and after the first day of September, 1917, it shall be unlawful for any person to operate a moving picture machine or to exhibit moving pictures in any building, theatre or hall to which the public is admitted or in any other place of public entertainment or amusement within this state unless the owner, lessee, occupant or agent of said place has been licensed by the state fire marshal to use such place for such purpose. The application shall be made and presented at least thirty days prior to the date when the license is desired to go into effect, to the end that the fire marshal may make the necessary investigation and inspection before the license issues. The license fee shall be five dollars for the year and each application shall be accompanied by the license fee. Every license shall expire one year from the date of its issuance. The state fire marshal upon application therefor shall furnish to any person desiring a license an application blank upon which the applicant shall state the

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full name and address of the applicant or applicants and if it be a corporation, the names and addresses of the principal officers thereof, whether such applicant be the owner, lessee, occupant or agent of the building for which a license is desired, the location and a full description of the property and the building and the room within the building to be used or proposed to be used for the exhibition of moving pictures, and such other information as may be required to be contained therein by the state fire marshal. Every application shall be verified by the applicant for such license and such verified application shall be prima facie proof of the facts therein stated.

Upon receipt of such application, the state fire marshal shall make such investigation as he shall deem necessary and shall grant a license to such applicant unless it appears to him that the provisions of this act are being violated or are about to be violated. The license thus granted shall not be transferable to any other building, room or place than that stated in the license. The state fire marshal, in his discretion and under such regulations and conditions as he may prescribe therefor, may grant a permit for the exhibition of moving pictures in an unlicensed building, and without a formal license therefor, for not more than seven consecutive days when such exhibitions are to be given solely for religious, benevolent, educational or scientific purposes. No license shall be granted except after examination by the state fire marshal or his authorized deputy or agent, provided, however, that the state fire marshal may issue a temporary license upon the verified application herein provided for, which shall be good until revoked for cause or until a permanent license is substituted therefor. There shall be deducted from the fee for such permanent license a part thereof proportionate to the unexpired portion of the year for which the temporary license was granted. ('17 c. 466 § 21)

[5128—]22. **Posting license**—Such license shall be posted in a conspicuous place within the theatre and a picture thereof shall be exhibited upon the screen at the commencement of each performance. ('17 c. 466 § 22)

[5128—]23. **Penalty for violation**—Any person who shall operate a moving picture machine or who shall cause moving pictures to be exhibited in violation of any of the provisions of this act, and the owner, lessee, occupant or agent of any building who permits it to be used for the exhibition of moving pictures in violation of any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense, by a fine not exceeding twenty-five dollars and costs of prosecution, or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding ten days; for the second offense, he shall be punished by a fine not exceeding fifty dollars and cost of prosecution, or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding thirty days, and for a third offense or any subsequent offense he shall be punished by a fine not exceeding one hundred dollars and cost of prosecution, or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment. ('17 c. 466 § 23)

[5128—]24. **Fire marshal to enforce provisions, etc.**—It shall be the duty of the state fire marshal to enforce the provisions of this act and to inspect and examine all moving picture shows within this state, at least, once a year. ('17 c. 466 § 24)

[5128—]25. **Fire marshal and deputies may inspect during reasonable hours—Revocation of license**—The state fire marshal or his deputy under his direction may enter any moving picture theatre or show or place where moving pictures are being exhibited, at any reasonable time for the purpose of determining whether the provisions of this act are being complied with. If he shall find that any provisions hereof are being violated, he shall notify the licensee in writing, stating wherein such licensee is at fault and if such violations continue beyond a time within which such violations can be reasonably corrected he shall cause such license to be revoked and cancelled. ('17 c. 466 § 25)

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[5128—]26. **To report to county attorney for prosecution**—Whenever the state fire marshal shall find a moving picture show which is being operated without a license, he shall communicate such fact, together with any evidence he may have, to the county attorney of the county in which such moving picture show is located, and it shall thereupon be the duty of such attorney to cause the arrest and prosecution of the offender. ('17 c. 466 § 26)

[5128—]27. **License fees and fines to be paid into state treasury**—All money collected under this act, whether in license fees or penalties, shall be paid into the state treasury for the benefit of the state fire marshal fund and may be used in the prosecution of the work of the department. ('17 c. 466 § 27)

[5128—]28. **Local regulations not abrogated**—Provided, however, that in municipalities having ordinances relating to the regulation and installation and operation of moving picture machines, and containing additional regulations for the safe and proper installation and operation of such machines, nothing herein shall be construed to abrogate such local regulations, but the jurisdiction of the local authorities in such cases shall be additional and subordinate to the jurisdiction and authority of the state fire marshal as hereby prescribed. ('17 c. 466 § 28)

[5128—]29. **Liberal construction—Partial invalidity**—It is hereby declared that this act is necessary for the public safety, health, peace and welfare, is remedial in nature, and shall be construed liberally, and shall not be declared void for the reason that any particular section or provision thereof may be in contravention of the constitution. ('17 c. 466 § 29)

STATE FIRE MARSHAL

5136. **Witnesses, etc.—Summons—Compensation—Investigation, how conducted—Contempt—**

Cited (131-116, 154+750).

5137. **Disobedience, how punished—**

Cited (125-224, 146+353, 51 L. R. A. [N. S.] 1017).

5140. **Buildings to be destroyed, repaired or altered—Order to repair, etc.—Penalty**—The state fire marshal may condemn and by order direct the destruction, repair or alteration of any building or structure which by reason of age, dilapidated condition, defective chimneys, defective electric wiring, gas connections, heating apparatus or other defect, is especially liable to fire and which building or structure, in the judgment of said state fire marshal, is so situated as to endanger life or limb or other buildings or property in the vicinity. In case the order requires the repair of a building, the owner, lessee, or other person upon whom rests the duty to keep the structure in repair and upon whom such order is served, shall make such repairs as thereby directed, and the order may direct that the structure be closed and not further used or occupied until such repairs are made. Any person who shall wilfully disobey the order directing the closing of such building pending the making of such repairs shall be guilty of a misdemeanor. (Amended '17 c. 469 § 1)

1917 c. 469 § 1 amends this chapter by striking out §§ 5140-5146 and inserting in lieu thereof the sections numbered 5140, 5140-A, 5141-5146.

5140-A. **Exits to be opened, etc.**—Whenever the state fire marshal, upon inspection, shall find a building of such construction and use that the exits and means of egress already provided do not afford reasonably safe escape in case of fire for the number of people customarily within, he may order such exits to be opened and such means of escape to be provided as, in his judgment, are reasonably necessary to eliminate the danger arising therefrom. ('17 c. 469 § 1)

5141. **Form of order—Enforcement**—The order shall be in writing, shall recite the grounds therefor and shall be filed in the office of the clerk of the district court of the county in which the building or structure so ordered to be altered, repaired or demolished is situated, and thereupon all further pro-



ceedings for the enforcement thereof shall be had in said court. (Amended '17 c. 469 § 1)

See note under § 5140.

**5142. Order, how served**—A copy of the order filed in accordance with the preceding section, together with a written notice that the same has been so filed and will be put in force unless the owner or occupying tenant shall file with the clerk of said court his objections and answer thereto within the time specified in the next succeeding section, shall be served upon the owner of the building or structure so directed to be altered, repaired or demolished, and if there be a tenant occupying the building, then also upon such occupant, which service shall be made upon such owner, and tenant if there be one, personally, either within or without the state; but if the whereabouts of such owner is unknown and the same cannot be ascertained by the state fire marshal in the exercise of reasonable diligence, then upon his filing in the office of the clerk of the district court his affidavit to this effect, service of said notice upon such owner may be made by publishing the same once in each week for three successive weeks in a newspaper printed and published in the county in which such building or structure is located and by posting a copy thereof in a conspicuous place upon said building or structure, and the service so made shall be deemed to be complete upon the expiration of said publication period. Proof of service of said notice shall be filed in the office of the clerk of the district court within five days after the service thereof. (Amended '17 c. 469 § 1)

See note under § 5140.

**5143. Objections and answer of owner, etc.—Power of district court**—The owner of any building so condemned or any lessee upon whom such notice and order are served, within twenty days from the date of such service as herein provided, may file with the clerk of the court and serve upon the state fire marshal by registered mail written objections to said order in the form of an answer denying the existence of any of the facts therein recited which he desires to controvert. If no answer is so filed and served, the owner and all other persons in interest shall be deemed to be in default, and thereupon the court shall affirm the order of condemnation and direct the state fire marshal to proceed with the enforcement thereof; but if an answer be filed and served as herein provided, the court shall hear and determine the issues so raised and give judgment thereon as herein provided. (Amended '17 c. 469 § 1)

See note under § 5140.

**5144. Order for hearing—Trial and judgment**—The court, upon application of the state fire marshal, shall make its order fixing a time and place for such hearing, which place may be at any convenient point within the judicial district and which time shall be within ten days from the date of the filing of the answer, or as soon thereafter as may be; and upon such trial the order of condemnation shall be prima facie evidence of the existence of the facts therein recited. If upon such trial the order shall be sustained, judgment shall be given accordingly and fixing a time within which the building shall be altered, destroyed or repaired, as the case may be, in compliance with such order, but otherwise the court shall annul and set aside the order of condemnation. (Amended '17 c. 469 § 1)

See note under § 5140.

**5145. Failure to comply with order—Marshal to demolish or repair—Sale of salvage materials, etc.**—If the owner or other party in interest shall fail to comply with the order of condemnation of a structure as hereinbefore provided, within the time fixed thereby, or within the time fixed by the court in case a trial is had therein, then the state fire marshal shall proceed to cause such building or structure to be demolished, or repaired, in accordance with the direction contained in such order, and where a building is demolished in accordance with such order he may sell and dispose of the salvage materials therefrom at public auction upon three days' posted notice. He shall keep an accurate account of the expenses incurred in carrying out the order, and shall

credit thereon the proceeds of such salvage sale, if any, and shall report his action thereon with a statement of said expenses or the balance thereof, the expense incurred by him and the amount, if any, received from such salvage sale, to the court for approval and allowance, and thereupon the court shall examine, correct if necessary and allow said expense account, and by its order shall certify the amount so allowed to the county auditor for collection; and the owner or other party in interest shall pay the same within thirty days thereafter with twenty-five per cent penalty added thereon, and in default of such payment the auditor shall enter said expense on the tax lists of said county as a special charge against the real estate on which said building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected, including the penalty thereon, shall be paid into the state treasury and credited to the fund of the state fire marshal; if the amount received as salvage shall exceed the expense incurred by the state fire marshal, the court shall direct the payment of the surplus to the owner or the payment of the same into court for its use and benefit. (Amended '17 c. 469 § 1)

See note under § 5140.

**5146. Combustibles, explosives, etc.**—The state fire marshal, the chief assistant fire marshal or any deputy fire marshal who finds [in] any building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable matter of any kind endangering the safety of such building or property or the occupants thereof or the occupants of adjoining buildings, shall order such materials removed or such dangerous condition corrected forthwith. Such order shall be in writing and directed generally to the owner, lessee, agent or occupant of such building or premises, and any such owner, lessee, agent or occupant upon whom such notice shall be served who shall fail to comply therewith within twenty-four hours thereafter, unless the order prescribes a longer period within which it may be complied with, shall be guilty of a misdemeanor and said material may be removed or dangerous condition corrected, at the expense of the owner of such building and premises or the person upon whom such service is so made, or both, and said state fire marshal may maintain all necessary actions for the recovery thereof. (Amended '17 c. 469 § 1)

See note under § 5140.

**5151. Expenses, how paid—Tax on insurance companies—Special fund—**For the purpose of maintaining the department of state fire marshal and paying all the expenses incident thereto, every fire insurance company doing business in the State of Minnesota, excepting Town Insurance Companies, Farmers' Mutual Fire Insurance Companies and Township Mutual Fire Insurance Companies, shall hereafter pay to the state treasurer on or before March 1, 1914, and annually thereafter, a tax upon its fire premiums or assessments or both, as follows:

A sum equal to three-eighths of one per cent of the gross premiums and assessments, less return premiums, on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, including premiums on policies covering fire risks only on automobiles, whether written under floater form or otherwise, provided, however, that this act shall in no way affect the tax due March 1, 1913, and the payment thereof. In the case of a mutual company, the dividends paid or credited to members in this state shall be construed to be return premiums. The money so received into the state treasury shall be set aside as a special fund and is hereby appropriated for the maintenance of such office of state fire marshal and the expenses incident thereto. The state shall not be liable in any manner for the salary of said fire marshal, his chief assistant, deputies, clerks and other employes or for the maintenance of the office of fire marshal or any expenses incident thereto, and the same shall be payable only from the special fund provided for in this section. ('13 c. 564 § 23, amended '15 c. 341 § 1)