CHAPTER 155—S. F. NO. 517.

AN ACT providing for additional clerk hire for judges of probate in certain cases.

Be it enacted by the Legislature of the State of Minnesota:

Section 1 In all counties of this state containing a population of not less than 45,000 and not more than 75,000, and in which the salary of the judge of probate is now or may hereafter be less than that provided for by the General Laws of the State of Minnesota, the county commissioners of such county may allow a sum not to exceed $500 per annum for additional clerk hire in said probate office in addition to the sum now allowed by law for the salary of the clerk of probate. Said amount so to be allowed to be fixed by the county commissioners for the year 1905 at their next meeting after the passage of this act and annually thereafter on the first meeting of each year, and said clerk hire shall in all cases be for actual services rendered and shall be paid monthly upon the presentation of a certificate of the judge of probate to the county auditor who shall issue to such person entitled thereto his warrant upon the county treasurer of said county for the amount therefor.

Sec. 2. This act shall in no way effect or modify any existing laws applicable to said county relating to the salaries and compensation of judges of probate and clerks of probate.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 12, 1905.

CHAPTER 156—S. F. NO. 518.

AN ACT providing for the payment of traveling expenses and clerk hire of superintendents and assistant superintendents of schools in certain cases.

Be it enacted by the Legislature of the State of Minnesota.

Section 1. In all counties of this state containing a population of not less than 45,000 and not more than 75,000, and in which said counties there are now or shall hereafter be more than 250 school districts, the county commissioners may allow and pay the necessary traveling expenses incurred in the visiting of schools in such county by the superintendent of schools and the assistant superintendent of schools of said county, and for necessary clerk hire in the office of the superintendent of schools providing that in no one year shall the amount so allowed and paid exceed the sum of $800; provided further, that bills for such services and expenses shall be allowed and paid from the revenue fund of such county upon duly verified and itemized bills as other claims against such county are paid.

Sec. 2. That this act shall in no way affect or modify the existing laws regulating the salary and compensation of the superintendent of schools or assistant superintendent of schools of such county.

Sec. 3 This act shall take effect and be in force from and after its passage.

Approved April 12, 1905.

CHAPTER 157—S. F. 392.

AN ACT to legalize certain ditches, drains or water courses established or attempted to be established under or pursuant to the provisions of chapter 258 of the General Laws of 1901, as amended by chapter 38 of the General Laws of 1902, and chapters 178, 188, 311 and 315 of the General Laws of 1903, and to declare legal and valid all the assessments and liens levied or created under and pursuant to said acts and amendments thereto.

Be it enacted by the Legislature of the State of Minnesota.

Section 1. Where the county commissioners of any county of this state, in pursuance of chapter 258 of the General Laws of 1901, as amended by chapter 38 of the General Laws of 1902, and chapters 178, 188, 311 and 315 of the General Laws of 1903 of the State of Minnesota, have established and constructed, or attempted to establish and construct any ditch, drain or other water course, and the proceedings for such establishment and construction are in all respects valid, except that the notice of the pendency of the petition, and the hearing thereof, and the reports of the engineer and viewers has been published less than three weeks prior to such hearing, such ditch, drain or other water course, and such notice, and all other proceedings for its establishment and construction, are hereby legalized and made valid, and any assessments or liens levied or created against the lands benefited by the construction thereof, by the county auditor of any county or the board of commissioners thereof, for the cost of the establishment and the construction of the same, are hereby legalized and declared to be valid and of full force and effect, and a lien against said lands until paid in the time and manner set forth in said chapter 258 of the General Laws of 1901, as amended by chapter 38 of the General Laws of 1902, and chapters 178, 188, 311 and 315 of the General Laws of 1903.

Sec. 2. This act shall not apply to or affect the right of appeal from such proceedings as now provided by law, or any actions or appeals now pending in which the validity of any such proceedings is cealled in question.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 12, 1905.

CHAPTER 158—H. F. NO. 201.

AN ACT to provide for the better enforcement of the laws forbidding, regulating and punishing the sale and use of commodities designed for human consumption which are deleterious to health and not true in name.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. For the proper enforcement of the laws of this state, already or hereafter enacted, which may be designed to prevent, regulate or punish the sale or use of commodities for human consumption which are deleterious to health and not true in name, the dairy and food commissioner, by himself, or employes of his department in addition to the rights the authority and powers otherwise conferred by law is authorized and empowered to have and take access to any and all railroad cars of every sort or nature transported or being within this state, all railroad stations, storage houses, warehouses express offices, or other places wherein there may at any time be commodities shipped within this state from without designed for human consumption whether such commodities have been sold or given away without the state, provided such sale or gift was or is with the intent that such commodities be delivered, had or used within the state, and the dairy and food commissioner by himself or the employes of his department shall have the same power and authority to open any package, can or vessel, so shipped within this state from without, which contains or which he has reason to believe contains any such commodity to inspect the contents thereof and to take samples therefrom for analysis, all after the same manner and with the same procedure as obtains by law in reference to similar commodities manufactured, sold or exposed for sale within the state. If it shall appear that any such commodity or commodities so shipped within this state from without is of a character or composition, the manufacture, sale or exposing for sale of which within the state is forbidden by any laws then in force as deleterious to health and not true in name, the dairy and food commissioner shall have the same rights and remedies, and shall enforce such rights and remedies against such commodity or commodities in the same manner as in the cases of similar commodities when manufactured, sold or exposed for sale within the state. On receiving notice from the commissioner, or any authorized employe of his department that he desires to inspect the contents of any such package, can or vessel, containing, as he believes, any such commodity, it shall be the duty of any common carrier, or warehouseman or their employes, or other person having the same in his possession, or under his control to withhold the same from delivery within this state such time as may be reasonably necessary for the inspection and analysis thereof. It is further made the duty of all common carriers and warehousemen and employes thereof to render the commissioner and his employes all the assistance in their power when so required to effectuate the purpose of this act. In case such inspection or analysis of any such commodity shall disclose therein ingredients deleterious to health and not true in name, as defined by any law of this state, such common carrier or warehousemen, or employes therof, shall on demand disclose to the commissioner the names and addresses of the consignor and consignee of the package, can or vessel containing the same and the commissioner shall, before proceeding further, as against such commodity, notify such consignor and consignee in writing at their respective addresses as so disclosed of the results of such inspection and analysis. Any failure on the part of any common carrier, warehouseman, storage man, or employe thereof, to do or observe the provisions hereof shall be a misdemeanor.

Sec. 2. This act shall take effect and be in force from and after its passage and approval.

Approved April 12, 1905.

CHAPTER 159—H. F. NO. 7.

AN ACT to provide for a comprehensive system of drainage of swamp and marshy lands owned by the state; to create a commission to carry out the provisions of this act.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. The state drainage commission as soon as is practicable after the approval of this act shall ascertain the number of acres of low wet lands belonging to the state, that it is necessary to drain in order to make them fit for agricultural purposes, and where the same are located, and what ditches and drains should be constructed to drain the said land. In the execution of this act, the said commission is hereby authorized and directed to cause to be made a complete and accurate survey of the location, size, route, beginning and termination of a comprehensive system of ditches or drains sufficient in number and size and length, and so located as to drain in the most practicable manner such low, wet or swamp lands owned by the state as in the opinion of the commission should be included within such system. And to accomplish said purpose, said commission is directed to employ within a reasonable time after the approval of this act, one or more competent civil, hydraulic, or topographical engineers and such other agents and assistants as it may find necessary to comply with the provisions of this act, and to fix their salary or compensation.

Such engineer, or engineers, shall upon appointment at once, under the direction of said commission, make the necessary surveys and take the necessary levels of such low, wet or swamp lands owned by the state, and shall, as soon as practicable, lay out a complete plan of a system of drains or ditches which shall in the most practicable way when completed, drain such lands and fit them for the purpose to which they are by nature adaptable.

Sec. 2. Such engineers shall keep an accurate and complete set of field notes and shall make a complete map and report of the said system of drains determined and found to be the most feasible, practicable and best calculated to accomplish the desired end, which map shall show the location, length, width and depth, the beginning, course and termination of each proposed drain or ditch in the system, and which report shall show the legal description of each tract of land according to government subdivisions, necessary to be taken or interfered within order to construct said system of drainage, and shall show the estimated cost of construction of each drain, and of the entire system so laid out by them, according to their best judgment.

Sec. 3. Upon the completion of his work said engineer shall place in the hands of said commission not later than Nov. first (1st), nineteen hundred six (1906), all his field notes, maps and reports which shall become the exclusive property of the State of Minnesota. Said commission shall at once cause said maps, field notes and reports to be filed in the office of the state auditor, and shall make a complete report of the doings of the commission under this act, with an itemized account of its expenditures, and containing a statement of the ownership whether by the state or by private owners, of all lands which will require to be taken or interfered with, according to the report of the engineers, in order to establish said system of drains, which report shall embody the maps and report of the engineer or sufficient thereof to enable the Legislature to obtain an intelligent idea of the subject, together with such suggestions and recommendations as the commission may think proper. A sufficient number of copies of the report of said commission shall be printed and supplied to the members of the year nineteen hundred seven (1907), and the various officers and boards of the state.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 13, 1905.

CHAPTER 160—H. F. NO. 56.

AN ACT to appropriate money to reimburse certain persons for supplies furnished to the Minnesota National Guard at its encampment at Lake View, in July, 1896.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. The sum of two hundred fifty-four dollars (254), or so much thereof as may be necessary, is hereby authorized and directed to be paid by the Minnesota National Guard, out of any funds heretofore or hereafter appropriated to said National Guard, to reimburse the persons hereinafter mentioned, in the amounts respectively set down opposite their names, for supplies furnished by them to the Minnesota National Guard at its encampment at Lake View in the month of July, eighteen hundred ninety-six (1896); said amounts and each of them to be disbursed by the adjutant general as follows:

To Mrs. Julius Wenzel	$63.00
To Edward Collins	87.00
To W. J. Richardson	24.00
To Nicholas Thill	35.00
To Frank Defang	45.00

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 13, 1905.

CHAPTER 161—H. F. NO. 408.

AN ACT to provide for the separate assessment and taxation of mineral, gas, coal, oil, and other similar interests in real estate in certain cases.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That whenever any mineral, gas, coal, oil or other similar interests in real estate are owned separately and apart from and independently of the rights and interests owned in the surface of such real estate, such mineral, gas, coal, oil or other similar interests may be assessed and taxed separately from such surface rights and interests in said real estate and may be sold for taxes in the same manner and with the same effect as other interests in real estate are sold for taxes.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 13, 1905.

CHAPTER 162—H. F. NO. 447.

AN ACT to provide for the appraisal and sale of school and other state lands and fixing the minimum price therefor.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Whenever in the opinion of the land commissioner of the State of Minnesota it will be for the public interest that an appraisal of any of the school or other state lands should be made, he shall appoint one appraiser, who shall be one of the regularly employed state cruisers, and who shall not be a resident of the county in which the lands to be appraised are situated, and notify the governor, who shall appoint one appraiser who may be a resident of such county. The land commissioner shall also notify the commissioners of such county, who shall appoint a third appraiser; such appointments by the governor and county commissioners shall be made within thirty (30) days after such notice. Each appraiser shall, before entering upon the duties of his office, take and subscribe an oath, before some person qualified to administer oaths, that he will faithfully and impartially discharge his duties as appraiser, according to the best of his ability, and that he is not interested directly or indirectly in any of the school or other state lands or improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be attached to the report made of such appraisal, said appraisers after taking oath of office shall proceed to view and appraise such lands and the improvements thereon, and make a report thereof to the land commissioner as he may direct. The valuation of such lands and the timber shall each be made and stated separately in the appraisement, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than five dollars $5.00 per acre. Such appraisers shall receive as compensation for their work the sum of five dollars ($5.00) per day for each day actually employed, which shall include all expenses, except railroad fare, actually expended. The land commissioner shall hold frequent sales of school and other state lands, the time and place of such sales to be publicly posted on the front door of the court house of the county in which said sale is to take place, at least three months in advance of such sale, in addition to the regular notice of sale provided by law. At said sales the land commissioner shall sell such lands as he considers for the public interest. Where land mainly valuable for agricultural purposes, as shown by the appraisements and other reports in the office of the land commissioner, contain only small quantities of pine, tamarack, or other timber, the land commissioner may in his discretion, either sell the timber separately in the manner provided by law for state timber sales, or he may sell the land as agricultural land, requiring the purchaser to pay down as first payment an amount equal to the value of the timber, in addition to the fifteen per cent first payment required on the land. It shall be the duty of the appraisers to report to the land commissioner such lands as in their opinion should be drained. After the state has constructed or has been assessed for any public ditch or drain, the lands hereby assessed or improved shall thereafter be reappraised before being offered for sale.

Sec. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1905.

CHAPTER 163—H. F. NO. 479.

AN ACT to provide for the appointment of a state highway commission and defining its powers and duties and providing for the construction and repair of public highways by extending state aid for that purpose to the several counties therein, and the levying of a tax therefor.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Within a reasonable time after January first, nineteen hundred and six (1906), the governor shall appoint a board of three commissioners, one from the First, Second, Third or Fourth congressional districts, one from the Fifth, Sixth or Seventh, and one from the Eighth or Ninth, to be known as the state highway commission; one shall serve one, one two, and the other three years, each year thereafter he shall appoint one commissioner for three years, or until his successor has qualified, but not more than two members shall belong to the same political party. Such commissioners shall serve without compensation except their actual personal expenses while in the performance of their official duties. The governor shall fill all vacancies and may remove a member for inefficiency, malfeasance or neglect of duty. All questions shall be determined by a majority vote of such commissioners.

Sec. 2. Said highway commission shall elect from its members a chairman, it shall have a common seal, the members thereof shall have power to administer oaths, and it shall be provided with a suitable office at the capitol of the state where it shall hold regular meetings not less than once in every two months.

Said commission shall appoint a secretary, who shall be a civil engineer and practical road builder, who shall be known as the state engineer and who shall hold his office subject to the pleasure of said commission and whose salary shall be eighteen hundred dollars ($1,800) per annum, and it may also employ a stenographer at fifty dollars ($50) per month, and such expert road builders and assistants as it may from time to time require and fix their compensation. Said state engineer shall, before entering upon the duties of his office, subscribe to, execute and file an oath of office and a bond in the penal sum of three thousand dollars ($3,000) with sufficient sureties, to be approved by the attorney general, conditioned on the faithful performance of his official duties. He shall keep a record of every vote and official act of said commission, shall file and safely keep all maps and papers belonging to it, shall devote all of his time in the interest of the state as prescribed by said commission, and shall be in charge of the office of the commission at the state capitol. It shall also be the duty of said state engineer and his assistants to give such advice, assistance and supervision with regard to road construction throughout the state, as time and conditions will permit and as the rules and regulations of the commission may prescribe, and he and his assistants may be required by the commission to attend any public meeting held by the commission or other parties in the interest of road improvements in this state, provided that the state engineer, expert road builders or assistants shall be allowed necessary traveling expenses while performing their official duties outside the state capitol.

All of the files and records of said commission shall, under reasonable regulations, be kept open for public inspection and certified copies thereof shall be received in evidence in any court of this state.

The attorney general of the state shall be ex officio attorney for the commission and shall give the commission such legal counsel, advice and service as it may from time to time require.

Sec. 3. Whenever practicable said commission shall investigate and determine the location of road material in the state, ascertain the most approved methods of construction and improvement of roads, investigate the most approved laws in relation to roads in other states, and hold public meetings throughout the state when deemed advisable. On or before December 15th of each year it shall make a printed report to the governor, stating as near as possible, the number of miles of state roads built or improved during the year, their cost, and the general character and location of material suitable for road construction, the general character and condition of the roads of the state and recommend such legislation as it deems advisable, and any other information concerning road improvement as it deems expedient.

Sec. 4. For the purpose of state aid in the construction and improvement of public highways, there shall hereafter be levied annually on all taxable property of the state a tax of one-twentieth (1-20) of a mill on each dollar of valuation, to be collected in the same manner as other state taxes, and the money so raised, together with all moneys accruing from the investment of the internal improvement land fund after all appropriations that shall have been made prior to May 1, 1905, have been provided for, shall constitute the state road and bridge fund.

Sec. 5. There is hereby appropriated out of the general funds of the state six thousand dollars ($6,000), or so much thereof as shall be necessary, for the year 1906, and the sum of six thousand dollars ($6,000), or so much thereof as shall be necessary, each year thereafter to pay the expenses of said commission, including the salary and traveling expenses of the state engineer, and all other persons employed by the commission, but in no year shall the expenses of the commission, engineer, assistants, stenographer, office supplies and other expenses exceed the sum herein appropriated, or which may hereafter be appropriated for any one year.

All accounts and expenditures shall be certified by the chairman of said commission, and paid by the state treasurer upon orders drawn by the state auditor.

Sec. 6. No member of the highway commission, the state engineer, or any other person in the employ of the highway commission, shall be, either directly or indirectly, interested in any contract for constructing or improving any road under this act.

Sec. 7. On or before the first Tuesday in March of each year the highway commission shall estimate the probable sum of money that will accrue to the state road and bridge fund during that year, and apportion the same among the different counties of the state, as herein provided, and shall immediately send a notice to the board of county commissioners of each county stating the amount that such county shall be entitled to receive for said year out of said fund. In making an estimate of the amount of the state road and bridge fund accruing to the several counties in this state, no county shall receive in one year more than three per cent nor less than one-half of one per cent of said fund, to be expended during such year, and in determining the percentage accruing to any one county, the said highway commission shall take into consideration the extent of the area of such county, the amount of money expended by it in road construction, the difficulty and expense of such road construction and the extraordinary expense connected with the development of new territory.

Sec. 8. As soon as the highway commission shall have ascertained the location of the available road material throughout the several parts of the state, and the best methods of road construction, as far as the same may be practicable, it shall prepare and adopt such rules and regulations for the construction and improvement of state roads as shall be most suitable to the requirements of, and bring the most practical results to the several parts of the state.

Such rules and regulations shall be printed and several copies shall be forwarded to the county auditor of each county in the state for general distribution. Such rules and regulations may be amended from time to time, but such amendments must be printed and distributed not later than March 1 of each year.

Sec. 9. Any county board may designate any road, or specified portion thereof, in its county as a state road, and construct or improve the same in accordance with the regulations of said highway commission relative to state roads.

Said state engineer shall, when practicable, make the necessary surveys, establish grades and prepare plans and specifications for all state roads. But when he is unable to do so, said board may employ its county surveyor or some other competent surveyor or road builder to do the work and report to said state engineer. Said county board may receive bids for all or part of said work and let the contract to the lowest responsible bidder, reserving the right to reject any or all bids, or may appoint a superintendent of construction and fix his compensation. Under his supervision the work or part of it may be done by day labor. Such superintendent shall prepare an itemized statement in duplicate of the cost of such construction or improvement as soon as completed, file one copy with the county board and the other with said state engineer.

Sec. 10. On or before the first Monday of December in each year every county auditor shall certify to said highway commission the amount of money expended for road purposes in his county during that year, and said commission shall forthwith certify to the state auditor the amount due such county from the state road and bridge fund, whereupon said auditor shall draw his warrant upon the state treasurer against said fund in favor of the treasurer of such county; but in no case shall said warrant exceed one-third the amount so expended in said county. If any person or board in any county having charge of the construction or improvement of any road shall wilfully neglect or refuse to comply with the directions of said highway commission, state engineer or road expert as to the method of construction or improvement of any such road, the amount expended thereon shall be deducted from the amount reported by the auditor of such county.

Sec. 11. Whenever any county board make application to the state highway commission for the establishment of a state road between its and an adjoining county, said commission shall investigate the need for such road and if it shall decide that it is necessary, shall order its establishment and determine and fix the part of the cost thereof to be paid by each county. The work shall be done by the joint action of the two county boards if they can agree, and if not, then said commission may cause the work to be done and at the time of the next tax levy the auditors of the respective counties shall include in such tax levy the part of the cost of said road construction or improvement fixed by said commission.

Sec. 12. The word "road" or "highway" whenever used in this act shall be construed to include all bridges upon, or which form a part of, the road or highway to be improved or constructed, provided that no more than one-third of the fund accruing to the state road and bridge fund in any year shall be expended for bridges.

Sec. 13. This act shall take effect and be in force from and after Jan. 1, 1906.

Approved April 13, 1905.

CHAPTER 164—H. F. NO. 509.

AN ACT giving the board of county commisioners in all counties of the state having a population of one hundred and fifty thousand (150,000) inhabitants or over, the exclusive control of the expenditure of all moneys appropriated by such board out of the general road and bridge fund of such counties, and regulating the expenditure thereof by such boards.

Be it enacted by the Legislature of the State of Minnesota:

Section. 1. That the board of county commissioners of all counties in this state now having, or which shall hereafter have a population of one hundred and fifty thousand (150,000) inhabitants or over, shall have the exclusive control of the expenditures of all moneys appropriated by such boards out of the general road and bridge fund of such counties for the purpose of constructing or repairing, or aiding in the construction or repair of roads and bridges, or either, in any township or village in such counties.

Sec. 2. That all moneys so appropriated shall be expended by and under the direction and supervision of such board of county commissioners in the following manner: That in all cases except as hereinafter provided before expending any such money for such purpose or purposes, such board of county commissioners shall require the county surveyor of such county, or his deputy, to furnish to such board a survey of the work for which it is proposed to expend such money, together with suitable plans and specifications thereof and the estimated cost thereof, and that upon the receipt of the same by such board it shall be the duty of such board, if it shall deem such expenditure advisable, to invite bids for such work by posting notices for at least fifteen (15) days prior to the letting of the contract for the same in at least three (3) of the most public places in the township wherein such work is to be done, and in case any portion of such work is within the limits of any incorporated village, by also posting notices in three (3) of the most public places in such village, and in all cases there shall be three (3) publications of said notices in the official newspaper, and such notices shall contain a brief description of such work, and shall state the time and place of awarding the contract for the same, and at the time and place mentioned in such notices; it shall be the duty of such board to let such contract to the lowest responsible bidder, who shall in all cases be required to enter into a written contract evidencing the same and said board shall require a satisfactory bond for the faithful performance of such contract; provided, nevertheless, that nothing herein contained shall be construed to prevent such board from rejecting all bids for such work and readvertise for new bids if in the judgment of such board all bids are excessive; and provided, further, that such board may, without advertising for bids and letting contracts as herein required, expend under the supervision of the county surveyor or his deputy a sum not exceeding one hundred ($100) dollars during any one year at any one point for repair to any road or bridge when in their judgment such repairs are necessary to maintain or protect such road or bridge or the travel thereon, and may employ a repair crew for such purpose for a period not exceeding four months during any one year, and may purchase and retain the necessary road machinery and tools for the purpose of making such repairs, shall not in any one year exceed one-quarter (¼) of the amount so appropriated for roads and bridges for said year in said county; and provided, further, that in case of any emergency rendering travel upon any highway unsafe, or threatening the immediate injury or destruction thereof, and requiring immediate repair, an amount not exceeding five hundred ($500) dollars may be expended in the repairs thereof without advertising for bids and letting a contract therefor, and the sum or sums so expended shall not exceed one thousand ($1,000) dollars in any one year, and shall be included in the limit of one-quarter (¼) of the road and bridge fund so appropriated as hereinbefore mentioned.

Sec. 3. The county surveyor shall keep a full official record of all work in his office, which record shall belong to the county. He shall report annually the character and condition of the county roads and bridges, together with a statement of all work done during the year, and such recommendations, statistics and other material as he may deem proper for such report. This report shall be printed by the county board.

Sec. 4. Chapter 240 of the General Laws of the State of Minnesota for one thousand nine hundred and one (1901) is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 13, 1905.

CHAPTER 165—H. F. NO. 543.

AN ACT to amend sections three (3), four (4), six (6), eight (8), ten (10), fourteen (14), sixteen (16), and twenty (20), of chapter three hundred and sixty-five (365), of the General Laws of the State of Minnesota for the year 1903.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That section three (3) of chapter three hundred and sixty-five (365) of the General Laws of 1903 be amended so as to read as follows:

Sec. 3. The sheriff shall then appoint and employ one chief deputy who shall be paid three hundred dollars per annum; one jailer who shall be paid twelve hundred dollars per annum; two outside deputies who shall be paid fifteen hundred dollars per annum each, and each of whom shall be required in addition to the services to be performed for such compensation to keep and maintain a team and to pay his own traveling expenses within said county while in the performance of his official duties assigned to him as such; one outside city deputy to attend to the service of criminal and other process who shall receive a salary of twelve hundred dollars per annum, and one other outside deputy who shall receive a salary of twelve hundred dollars per annum; one deputy for the care of the insane and such other duties as the sheriff may require of him who shall receive a salary of twelve hundred dollars per annum; one assistant jailer who shall receive a salary of one thousand dollars per annum; one night watchman who shall receive a salary of nine hundred dollars per annum; one bookkeeper who shall receive a salary of twelve hundred dollars per annum; one deputy who shall have charge of the juries who shall receive a salary of seven hundred and fifty dollars per annum; one stenographer who shall also be a deputy sheriff and shall receive a salary of seven hundred and eighty dollars per annum; one matron who shall receive a salary of five hundred dollars per annum; one cook who shall receive a salary of six hundred dollars per annum.

Sec. 2. That section four (4) of chapter three hundred and sixty-five (365) of the General Laws of 1903 be amended so as to read as follows:

Sec. 4. The sheriff shall also appoint and employ as many court room deputies as there are district court judges in and for said county who shall attend the courts of said judges and perform such other duties pertaining to the sheriff's office as the said sheriff may require and the compensation of each of said deputies shall be nine hundred dollars per annum. For all services rendered by the sheriff he shall be allowed and paid from the county treasury his actual expenses necessarily incurred by him in the performance of such services. That an expense fund of one thousand (1,000) dollars be set aside out of the first one thousand (1,000) dollars received as fees from and after the pasage of this act to be used by the sheriff to meet the current monthly expenses of the office, the money so used to be replaced in said fund at the end of each month when such expenses is allowed.

Sec. 3. That section six (6) of chapter three hundred and sixty-five (365) of the General Laws of 1903 be amended so as to read as follows:

Sec. 6. The auditor shall appoint and employ one chief deputy who shall be paid the sum of eighteen hundred dollars per annum; one deputy and commissioners clerk who shall be paid the sum of fifteen hundred dollars per annum; one chief clerk and draftsman who shall be paid the sum of fifteen hundred dollars per annum; one bookkeeper and deputy who shall be paid the sum of fifteen hundred dollar per annum; one deputy and one settlement clerk who shall be paid the sum of twelve hundred dollars per annum each; three counter deputies who shall be paid the sum of eleven hundred dollars per annum; five general clerks who shall be paid the sum of one thousand dollars per annum each.

Sec. 4. That section eight (8) of chapter three hundred and sixty-five (365) of the General Laws of 1903 be amended so as to read as follows:

Sec. 8. The county attorney shall appoint and employ one assistant, known as first assistant county attorney who shall be paid the sum of twenty-four hundred dollars per annum; one assistant who shall be known as second assistant and attorney for county commissioners who shall receive a salary of two thousand two hundred dollars per annum; one assistant who shall be known as third assistant who shall receive a salary of eighteen hundred dollars per annum; one assistant who shall be known as the fourth assistant who shall receive a salary of fourteen hundred dollars per annum; one stenographer who shall receive a salary of seven hundred and twenty dollars per annum.

Sec. 5. That section ten (10) of chapter three hundred and sixty-five (365) of the General Laws of 1903 be amended so as to read as follows:

Sec. 10. The register of deeds shall appoint and employ one chief deputy who shall be paid fifteen hundred dollars per annum; one second deputy who shall be paid one thousand dollars per annum; one indexer who shall be paid nine hundred dollars per annum: one chief comparer who shall be paid ten hundred dollars per annum; one assistant comparer who shall be paid seven hundred and twenty dollars per annum; one assistant indexer and comparer who shall be paid seven hundred dollars per annum; one vault clerk who shall be paid nine hundred dollars per annum.

Sec. 6. That section fourteen (14) of chapter three hundred and sixty-five (365) of the General Laws of 1903 be amended so as to read as follows:

Sec. 14. The county surveyor shall appoint and employ as deputies who shall be paid the sum of one thousand four hundred and fifty dollars per annum each, and each of whom shall be required in addition to the services to be performed for such compensation to keep and maintain a team and to pay his own traveling expenses while in the performance of his official duties asigned to him as such; one clerk who shall be paid the sum of one thousand dollars per annum.

Sec. 7. That section sixteen (16) of chapter three hundred and sixty-five (365) of the General Laws of 1903 be amended so as to read as follows:

Sec. 16. The county treasurer shall appoint and employ one chief deputy who shall be paid the sum of one thousand eight hundred dollars per annum; one deputy who shall have charge of the statement department in said office who shall be paid the sum of thirteen hundred dollars per annum; four statement clerks who shall be paid the sum of one thousand dollars per annum each; one cashier or teller who shall be paid the sum of one thousand dollars per annum; one bookkeeper who shall be paid the sum of one thousand dollars per annum; one accountant who shall be paid the sum of nine hundred dollars per annum.

Sec. 8. That section twenty (20) of chapter three hundred and sixty-five (365) of the General Laws of 1903 be amended so as to read as follows:

Sec. 20. The judge of probate shall appoint and employ one clerk of court who shall be paid the sum of twenty-five hundred dollars per annum: one deputy clerk of court who shall be paid the sum of thirteen hundred dollars per annum and four general clerks who shall be paid the sum of one thousand dollars per annum each. The judge of probate and clerk of probate court shall charge the same fees for his services as are now or may hereafter be allowed by law, and all such fees so collected and collected in said office shall be paid into the county treasury.

Sec. 9. All increase in salaries herein provided for shall be paid out of any moneys in the county treasury not otherwise appropriated.

Sec. 10. This act shall take effect and be in force from and after April 1st, 1905.

Approved April 13, 1905.

CHAPTER 166—H. F. NO. 560.

AN ACT to provide for the appointment of inspectors of mines in counties of this state, to prescribe their powers and duties, and to provide for their compensation and expenses.

Be it enacted by the Legislature of the State of Minnesota:

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

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

Sec. 3. The duties of the inspector of mines shall be to visit all the working mines of his county at least once in every ninety days and oftener if requested so to do as hereinafter provided, and closely inspect the mines so visited and condemn all such places where he shall find that the employes are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladder ways, where men must ascend or descend going to and from their work. In case the inspector of mines shall find that a place is dangerous from any cause as aforesaid, it shall be his duty immediately to order the men engaged in work at the said place to quit work, and he shall notify the superintendent, agent or person in charge, to secure the place from the existing danger, which said notification or order shall be in writing, and shall clearly define the limits of the dangerous place, and specify the work to be done, or change to be made to render the same secure, ordinary mine risks excepted. It shall also be the duty of the inspector of mines to command the person, persons or corporation working any mine, or the agent, superintendent, foreman or other person having immediate charge of the working of any mine, to furnish all shafts, open pits, caves and shutes of such mine where danger exists with some secure safeguard at the top of the shaft, open pit, cave or shute so as to guard against accidents by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary for the purpose of safety. Provided, that when any mine is idle or abandoned it shall be the duty of the inspector of mines to notify the person, persons or corporation owning the land on which any such mine is situated or the agent of such owner or owners, to erect and maintain around all the shafts, caves and open pits of such mine a fence or railing suitable to prevent persons or domestic animals from accidentally falling into said shafts, caves or open pits. Said notice shall be in writing and shall be served upon such owner, owners or agent, personally, or by leaving a copy at the residence of any such owner or agent if they or any of them reside in the county where such mine is situated, and if such owner, owners or agent are not residents of the county such notice may be given by publishing the same in one or more newspapers printed and circulating in said county if there be one and if no newspaper be published in said county then in a newspaper published in some adjoining county, for a period of three consecutive weeks.

Sec. 4. If any person or persons are required to continue work in any place or places in which the inspector of mines has ordered employes to quit work as aforesaid, except to do such work as may have been by him required to be done in order to render such place or places safe, ordinary risks of mining excepted, the person or persons or corporation so requiring employes to work in such place or places shall be liable for all accidents causing injury or death to any employe arising by reason of such place or places not having been repaired or changed as required by said inspector.

Sec. 5. It shall be lawful for the inspector of mines to enter, examine and inspect any and all mines and machinery belonging thereto at all reasonable times by day or by night, but so as not to obstruct or hinder the necessary workings of such mines, and it shall be the duty of the owner, operator or agent of every such mine upon the request of the inspector of mines to furnish for his inspection all maps, drawings and plans of the mine, together with the plans of all contemplated changes in the manner of working the mine or any part thereof; to furnish him with some suitable person or persons as he may desire to accompany him through the mine or any part thereof, and also to furnish him suitable ladders and other necessary appliances to make a proper inspection and to furnish upon request the inspector of mines with all necessary facilities for such entry, examination and inspection, and if the said owner, operator or agent aforesaid shall refuse to permit such inspection or to furnish the necessary facilities for such entry, examination and inspection and shall continue so to refuse or permit after written request to be made by the inspector of mines, such refusal or neglect shall be deemed a gross misdemeanor and upon conviction therefor such owner, operator or agent shall be punished by a fine of not less than one hundred or more than five hundred dollars for each and every offense.

Sec. 6. The salary and expenses of the inspector of mines shall be paid out of the treasury of the county for which he is appointed by vouchers similar to those used by other county officials. The board of county commissioners shall furnish the inspector of mines with the necessary books, stationery and supplies.

Sec. 7. Whenever twenty or more persons working in any mine or place where mining is done, or the owner, operator or agent of any mine, shall notify the inspector of mines in writing that his services are needed, he shall immediately make an inspection thereof and shall examine as to the necessary precautions and general safety of the mines and see that all the provisions of this act are observed and strictly carried out.

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

Sec. 9. The owner, operators or agent of any mine shall at all times keep a sufficient and suitable supply of timber and logging on hand, when required to be used as supports, props or otherwise in the mining work, so that the workings of such mine may be rendered reasonably safe and secure.

Sec. 10. Any workman, employe or other person who shall open, remove or disturb any fence, guard or rail and not close or replace or have the same closed or replaced again around or in front of any shaft, test pit, shute, excavation, cave or and liable to cave, injure or destroy, whereby accident, injury or damage results, either to the mine or those at work therein, or to any other person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment for not more than sixty days in the county jail for each