

SEVENTY-SEVENTH DAY.

ST. PAUL, MONDAY, April 10, 1893.

The House met at 9 o'clock A. M. and was called to order by the Speaker.

Prayer by the Chaplain.

The roll being called, the following members answered to their names:

Messrs. Abbott, Anderson, Baston, Benner, Bjorge, Bleecker, Boggs, Booren, Boxrud, Boylan, Briggs, Bruels, Buck, Cairns, Christie, Cole E., Cole T., Comstock E. F., Comstock W. L., Cotton, Craig, Dodd, Dunn, Fleming, Fletcher, French, Fuller, Furlong, Gorman, Greer, Gunn, Gutteresen, Hinrichs, Hohl, Holler, Holman, Holmberg, Hopkins, Horton, Howard, Ives, Jacobson, Johnson A. G., Kelly A. B., Kelly P. H., Knuteson, Koerner, Lende, Linne-
mann, Langum, Lockwood, McDonald, McDonough, McEwen, Mc-
Grath, McKasy, Maguire, Markham, Merritt, Monohan, Moore,
Nelson, Nilsson, Noyes, O'Neill, Ongstad, Paulson, Peterson, Railson,
Richardson H. M., Rodger, Salls, Scofield, Shell, Skinner, Smith,
Staples, Sullivan, Swanson, Temple, Turrell, Tyler, Underleak,
Vansant, Wacek, Wahlund, Walsh, Winston, Williams, Willson
Geo., Wilson F. M., Wooldridge, Wyman, Young, Zelch, Mr. Speaker.

Messrs. McKasy and Anderson were excused for the day.

Quorum present.

On motion Mr. Rodger the reading of the Journal was dispensed with and it stood approved as printed.

EXECUTIVE COMMUNICATIONS.

The following communications were received from His Excellency, the Governor:

The same having been placed in the Speakers hands on Saturday, the 8th inst.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
ST. PAUL, April 8th, 1893. }

Hon. Wm. E. Lee, Speaker of the House of Representatives:

DEAR SIR: I return herewith, without my approval, House File No. 275, entitled "an act in relation to the manufacture and sale of lard and of lard compounds and lard substitutes, to prevent fraud and to preserve the public health."

In 1891 the legislature enacted chapter 12 of the General Laws of that year, relative to the same subject matter as that of this bill, which seems designed to take the place of the law of 1891. The law of 1891 proceeds on the theory of not prohibiting the manufacture or sale of adulterated lard, or lard compounds substituted therefor, but upon the theory of having such products, both in the hands of the manufacturers, the dealers and the consumers, designated and labelled in such a way that the public may know of their true character.

Section one (1) of the bill seems to be identical with section one (1) of chapter twelve (12).

Section two (2) of this bill is the re-enactment of section two (2) of chapter twelve (12), with the omission of these very important words, to-wit: "and which is made from animal or vegetable oils or fats, or any mixture or compound consisting in part of lard in mixture or combination with animal or vegetable oils or fats." The omission of these words evidently weakens the scope and effect of the section, and the purpose of the omission evidently seems to be, in some manner to protect the mixture of animal and vegetable fats.

Section three (3) of chapter 12 provides and contemplates that every person who manufactures for sale or has in his possession for sale, or offers for sale any substance made in the semblance of lard or as an imitation of lard, or a substitute for lard, and which is designed to take the place of lard, and which is composed of any mixture or compound of animal or vegetable oils or fats, other than that of the hog, shall have the tub, pail or package in which such adulterated or imitation lard is packed, branded or labeled as "lard substitute." The evident purpose of this provision is to inform the public of the true character of the adulterated or simulated lard. Section three (3) of the proposed bill entirely reverses this, and simply provides that substances *not made* in the semblance of lard, nor in imitation of the same, shall be branded and labelled, as therein specified. Now, it seems rational, logical and good protective legislation to require that simulated or adulterated substances, which are calculated to deceive the public, should be labelled with their true character and quality, but, on the other hand, it seems quite unnecessary, for the protection of the public, to brand or in that way label substances that are not made in imitation or in semblance of lard, and that are not calculated to deceive the public or mislead them. What the public needs protection against are those substances which are calculated to deceive them as to their true character and composition, and not against those which show their true character on their face and are not calculated to deceive.

Section four (4) of this bill leaves out of section four (4) of the act of one thousand eight hundred and ninety-one the words "or as a substitute for lard" in line four, and the words "and which consist of any mixture or compound of lard with animal or vegetable oils or fats" in lines five, six and seven, to the evident weakening of the law, and depriving it of one of its most important features, as is shown by comparison of the two sections.

The most important features of the act of one thousand eight hundred and ninety-one are sections five (5) and six (6). By the former of these sections every dealer or trader who sells any lard substitute or adulterated lard is required to label the same as "adulterated lard" or "lard substitute," and by the latter section every person who manufactures or sells any article of food prepared wholly or in part with lard substitute or adulterated lard is required to label the food as prepared with such lard substitute or adulterated lard. Both of these sections are especially aimed to protect the buyers and consumers and to inform them whether they buy or consume any of such "lard substitutes" or "adulterated lard."

The constitutional validity of these two sections has been before our Supreme Court and passed upon in the case of State vs. Aslesen and the case of State vs. Bassett, 52 N. W. 220. The Supreme Court sustained the constitutionality of both of these sections.

The effective provisions of section five (5) and six (6) of the act of one thousand eight hundred and ninety-one (1891), as construed by the supreme court, are entirely obliterated and abrogated by sections five (5) and six (6) of this bill, with no substantial substitute or equivalent therefor.

Where a law has been passed to protect the public, in a matter of as much importance as this, and that law has run the gauntlet of our supreme court and been sustained, it seems to me it would be the part of wisdom to stand upon such a law and not enter into new and untried fields.

Section seven (7) as found in the act of one thousand eight hundred and ninety-one (1891), is of considerable consequence and importance, in view of the preceding sections, but section seven (7) of this bill, in view of the fact that sections five (5) and six (6) of the bill have obliterated the protective features of sections five (5) and six (6) of the act of one thousand eight hundred and ninety-one (1891), seems, to a large extent, ineffective and of little consequence.

Section eight (8) of the act of one thousand eight hundred and ninety-one (1891), gives jurisdiction to the district and municipal courts and justices of the peace in all actions arising under the act. This provision is entirely omitted in this bill and the provisions of sections eight (8) and nine (9) of this bill are substantially the provisions of sections nine (9) and ten (10) of the act of one thousand eight hundred and ninety-one (1891).

I have thus briefly called your attention to some of the discrepancies and differences between this bill and the act of 1891, and a comparison of this bill with the act of 1891 makes it clear that most of the effective, protective and beneficent features of the act of 1891 are eliminated and abrogated by the proposed bill. If legislation on the subject matter of the act and bill is necessary and called for by sound public policy, then surely the act of 1891 is much better calculated to accomplish and effect the purposes aimed at by such legislation.

For the foregoing reasons, I cannot approved of this bill.

Yours respectfully,

KNUTE NELSON,
Governor.

Laid over temporarily.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
St. PAUL, April 8, 1893. }

Hon. Wm. E. Lee, Speaker House of Representatives.

DEAR SIR: I have approved, signed and deposited with the Secretary of State the following House Files:

H. F. No. 582, An act to legalize conveyances made by husband and wife by separate deeds of the same real estate.

H. F. No. 732, An act to provide additional means for completing and furnishing the court house and city hall building, now in process of erection in the city of Minneapolis, and to authorize the issue and sale of bonds therefor.

H. F. No. 795, An act to repeal chapter 233 of the Special Laws of the State of Minnesota, approved March 8th, 1878, entitled, An act granting special powers to the supervisors of the town of Hartland, in Freeborn county, Minnesota.