

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



Edited by
WILLIAM H. MASON, Editor-in-Chief
W. H. MASON, JR., Assistant Editor

CITER-DIGEST CO.
ST. PAUL, MINNESOTA
1931

HAIR DRESSERS AND BEAUTY
CULTURISTS§5846-41. Display of license—Renewal li-
censes.

Board cannot extend time for renewal of license. Op. Atty. Gen., Jan. 14, 1929.

HORSESHOERS

§§5852 to 5854. [Repealed].

Repealed by Laws 1929, c. 60.

CHAPTER 36

Protection against Fire, and Regulation of Hotels
and Restaurants

MOVING PICTURES

§5934. Style of seats.

Injury to patron from falling of disconnected seat. 181M109, 231NW716.

STATE FIRE MARSHAL

§5957. Power to summon and compel, etc.

Act of fire marshal in compelling person suspected of arson to testify under subpoena, held to violate the constitutional right of such person against self incrimination. 180M573, 231NW 217.

DRY CLEANING AND DRY DYEING BUILD-
INGS AND ESTABLISHMENTS

§6001. Use of gasoline engines forbidden in certain cases.—No gas or gasoline engine, steam generator or heating device nor any electrical dynamo or motor except such motors as have been approved as explosion-proof by the State Fire Marshal shall be located, maintained or used inside of nor within a distance of ten feet of any building used for the business of dry cleaning and dry dye-

ing as above defined except that an electrical motor may be placed within such ten feet, but without a solid fireproof wall.

Any dry cleaning or dry dyeing business located in any village or city of the fourth class may install and maintain two 2½-gallon fire extinguishers of anti-freezing liquid, to be approved by and installed as directed by the state fire marshal, in lieu of compliance with the provisions of Section 13 of this chapter providing for the extinguishment of fire in such business or establishment. (As amended by Laws 1929, c. 402, which is amended Apr. 20, 1931, c. 268.)

§6001-1. Must have fire extinguishers.—Any dry cleaning or dry dyeing business located in any village or city of the fourth class may install and maintain two 2½ gallon fire extinguishers of anti-freezing liquid to be approved by and installed as directed by the State Fire Marshal, in lieu of compliance with the provisions of this chapter providing for the prevention of fire in such business or establishment. (Act Apr. 26, 1929, c. 402, §2.)

CHAPTER 37-38

Agriculture and Rural Credits

RURAL CREDITS

§6034. Seal.—The Bureau shall provide itself with and keep a seal. The design of this seal shall be as follows: a circle within which shall appear the word "seal." Between the lower and upper halves of the circle properly divided shall appear the words "Department of Rural Credit, State of Minnesota." Every instrument or paper heretofore executed by said Department to which has been affixed a seal in either of said forms is hereby legalized and declared to have been duly executed. (As amended Apr. 27, 1929, c. 421, §1.)

§6038. Security for loans—Terms of loans—Purposes—Limitations—Rate of interest.—Said Bureau shall make loans upon the following terms and conditions:

* * * *

g. The amount of original loans to any one borrower shall never exceed the maximum sum of Fifteen Thousand Dollars nor

shall any loan be for a less sum than Five Hundred Dollars.

* * * *

1. Every borrower shall pay simple interests on defaulted payments at the rate of seven per cent per annum and by express covenant in his mortgage deed shall pay when due all taxes, liens, judgments, assessments and insurance, which may be lawfully assessed against the mortgaged land; and by such covenant shall agree to and shall keep insured against fire and the elements in any local or other insurance company authorized to do business in this state by the Insurance Department to the satisfaction of the Bureau all buildings, the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at the time of loss; and at the option of the Mortgagor and subject to the general regulations of the Bureau, sums so received may be used to pay for reconstruction of the buildings destroyed. Taxes, judgments, assessments and

other liens, affecting the security of the mortgage, and not paid when due, may be paid by the mortgagee, at the option of the Bureau, and, when any buildings shall not be insured or kept insured as aforesaid, the Bureau, at its option, may obtain such insurance and pay the cost thereof, and any payments by the Bureau for any of the purposes aforesaid shall thereupon become a part of the debt secured by the mortgage, and shall bear simple interest at the rate of seven per cent per annum. The disbursements under this subdivision prior to the date when the state acquires title to the real estate covered by mortgage under foreclosure proceedings or by deed in lieu of foreclosure proceedings shall be paid from the Rural Credit Fund, and all disbursements in connection with such real estate after such date shall be paid from the Rural Credit Expense Fund. Provided disbursements for building and other improvements of a permanent nature shall be paid from the Rural Credit Fund.

* * * *

(As amended Apr. 27, 1929, c. 421, §2.)

§6041. Bonds, certificates of indebtedness, etc.—Bonds, certificates of indebtedness and tax levy certificates provided for in this act shall be issued in such denominations, mature at such times and be sold and redeemed in such manner as the Bureau shall determine, and the Bureau shall have full authority to prescribe such other rules and regulations as may be necessary or advisable in connection with the issuance of said bonds or certificates, including rules for the registration of bonds issued. In determining the maturity dates of bonds, the bureau shall take into account the amortization provisions of this act. Certificates of indebtedness shall be issued only when there is insufficient money in the Rural Credit Interest Fund available for the payment of interest upon outstanding bonds or certificates when due, and the issuance of certificate of indebtedness shall be limited to an amount sufficient to cover such deficiencies. Certificates of indebtedness shall mature not later than two years from date of issue and no more than one million dollars of such certificates of indebtedness shall be outstanding at any one time, but the Bureau may refund any outstanding certificates of indebtedness at maturity subject to the limitations hereof. All bonds and certificates shall be sold upon competitive bids after proper notice unless they are sold to the state's trust funds. Bonds and certificates issued by the Bureau shall designate on their face the purpose for which they are issued and shall be signed by the Chairman of the Bureau in behalf of the Bureau and attested by the Secretary of State, and be in such form as shall be approved by the Attorney General and shall bind the State to pay the same according to the terms thereof. Facsimile signatures of the chairman and Secretary of State shall be sufficient upon interest coupons. Before issuance all bonds and certificates to be issued by the Bureau shall be presented to the State Auditor, who shall make a record of the time, showing the number, amount, date of issue, date of maturity of each bond

or certificate and the auditor or his deputy shall certify thereon that such record has been made. If at any time there is insufficient money in the Rural Credit Fund to pay any bonds at maturity, or in the Rural Credit Interest Fund to pay any certificates of indebtedness at maturity, or interest upon bonds or certificates, and which cannot otherwise be paid under the limitations of this act, the Bureau shall issue its tax levy certificates in an amount sufficient to cover said deficiency. Such tax levy certificates shall mature at the earliest practicable date and be sold in the same manner as bonds and other certificates issued by the Bureau. Upon the issuance of such tax levy certificates the Bureau shall certify the amount thereof and the maturity dates to the State Auditor, who shall thereupon make a tax levy against all the taxable property of the state in the same manner as other taxes are levied in an amount sufficient to pay said certificates at maturity, together with interest thereon. The moneys derived from said tax levy shall be credited to the appropriate fund, or funds. Payment of interest falling due upon said certificates prior to the collection of said tax levy shall be made from the Rural Credit Interest Fund. The Bureau may direct the State Auditor to cancel any tax levy prior to the date of certifying same to the several county auditors, if money is available in the proper fund, or funds, for the payment of said tax levy certificates. If a tax levy is ordered cancelled subsequent to the issuance of tax levy certificates a sum necessary to pay said certificates at maturity shall be set aside from any available money in the proper fund, or funds, and such sums shall be used for no other purpose. Said certificates may be redeemed before maturity by consent of the holders thereof. If a tax levy is cancelled interest upon outstanding tax levy certificates shall be paid from the Rural Credit Interest Fund. After the issuance of tax levy certificates and the levy of the tax to pay said tax levy certificates, the Bureau shall from the first money available in the proper fund, or funds, repay the state the amount of money received by it from the sale of tax levy certificates with interest at four per cent from the date when interest started to run upon said certificates. Partial payments may be made upon such amount from time to time as funds become available. Such repayment shall be credited to the Revenue fund, if there are no outstanding tax levy certificates, otherwise such payment shall be credited to a Tax Levy Certificate fund and shall be available for the payment of outstanding tax levy certificates or interest thereon. The State Auditor shall credit all taxes collected under the provisions of this section to the Tax Levy Certificate fund, and all tax levy certificates and interest thereon shall be paid therefrom. Any surplus remaining after the payment of all outstanding tax levy certificates shall be transferred to the Revenue fund. (As amended Apr. 27, 1929, c. 421, §3.)

§6048. All property shall be exempt from taxes.

Farm lands acquired by state through foreclosure of mortgages are not subject to taxa-

tion. State, appeal of, 234NW691. See Dun. Dig. 9151a.

§6049. Foreclosures of mortgages.—Any foreclosure of any of the mortgages provided for by this act shall be made in the usual manner, either by action or by advertisement, as the Bureau may direct. Provided it shall not be necessary to record any power of attorney. Provided further when default shall exist in the payment of amortized installments of principal and interest or either thereof, the Bureau, if it shall determine that the best interests of the state so require, may take and accept crop or chattel mortgage security or both, in lieu of present foreclosure. Provided further, the Bureau, at its option, may take and accept deed to the mortgaged lands in lieu of foreclosure. All deeds which may have been heretofore so taken and accepted are hereby legalized and confirmed in case of foreclosure it shall be the duty of the Attorney General to render all services needed in connection with such foreclosure proceedings, and the costs and expenses, now or that may hereinafter be provided by law, in the foreclosure of real estate mortgages may be taxed in the foreclosure of any mortgage in like manner and to the same effect as if the State of Minnesota were a natural person. Provided no attorney's fee shall be collected upon any such foreclosure nor provided for in any mortgage given under this act. (As amended Apr. 27, 1929, c. 421, §4.)

Act authorizing Department of Rural Credits to insure farm property acquired through foreclosures in certain mutual and township insurance companies. Laws 1931, c. 245.

§6057-1. Easements to pipe lines.—The Minnesota Rural Credits Bureau is hereby authorized to sell, grant and convey to any person, firm or corporation who shall apply therefore a right of way or easement to lay, maintain, operate and keep up pipe lines for the transportation and transmission of gasoline and other petroleum products over and across lands subject to rural credits mortgages, and over and across lands acquired by the state through the foreclosures of such mortgages, upon such terms and conditions as said board shall deem advisable. (Act Apr. 13, 1931, c. 148.)

§6057-2. Insurance on foreclosed properties.—The Department of Rural Credits is hereby authorized to insure any farm property acquired through mortgage foreclosures and owned by the state against loss by fire, tornado, windstorm and/or hail, in mutual insurance companies having a limited contingent liability of its members, including township mutual insurance companies, duly licensed to do business in this state, and to pay the assessments, premiums and dues thereby accruing. (Act Apr. 20, 1931, c. 245.)

The Department of Rural Credits is authorized to place insurance in township mutual insurance company. Op. Atty. Gen., June 19, 1931.

ACCOUNTING OF CO-OPERATIVE ASSOCIATIONS

§6124. Appropriations to be expended by, etc.

Funds provided for the maintenance of county co-operative extension service in agricultural

and home economics cannot be used to pay the compensation of a caretaker for land donated under Laws 1925, c. 13 [§§669-12, 669-13]. Op. Atty. Gen., Jan. 15, 1930.

§6125. County budget committee.

Funds provided for the maintenance of county co-operative extension service in agriculture and home economics cannot be used to pay the compensation of a caretaker for land donated under Laws 1925, c. 13 [§§669-12, 669-13]. Op. Atty. Gen., Jan. 15, 1930.

MISCELLANEOUS

§6131-1. Indians to raise and harvest wild rice in certain lakes.—The exclusive right of collecting wild rice on lower Rice Lake in Clearwater County is hereby granted the Chippewa Band of Indians residing in the State of Minnesota, and the Indians and all other persons are hereby prohibited from the shooting of migratory birds on said lake during each season until the Indians have completed their rice collecting operations; provided, that such date of completion of rice collecting operations shall be determined by the Commissioner of Game and Fish and a Council appointed by the Band of Chippewa Indians so engaged in collecting of the rice upon said lake. (Act Mar. 30, 1929, c. 120, §1.)

See §§5556-1 to 5556-4.

§6131-2. Water level to be maintained.—The existing water level in said lake shall not be changed by any public or private agency so as to interfere with the growth or harvesting of wild rice in said lake. (Act Mar. 30, 1929, c. 120, §2.)

§6131-3. Provisions severable.—The provisions of this act shall be severable, and if any provision shall be held invalid it shall not affect any other provision hereof. (Act Mar. 30, 1929, c. 120, §3.)

INSPECTION OF NURSERIES, NURSERY STOCK, PLANTS AND PLANT PRODUCTS—QUARANTINES—INSECT OR ANIMAL PESTS AND PLANT DISEASES

§6145-1. Inspection of nurseries.—The state entomologist employed by the commissioner of agriculture is hereby designated as state inspector of nurseries and is authorized, either himself or by deputies duly appointed by him, to inspect all premises in Minnesota where nursery stock is grown or held for sale, and further to inspect all orchards or any premises whatsoever within the state, where he has reason to suspect the presence of injurious insects or injurious and contagious plant diseases. Nursery stock shall be regarded as including all field-grown plants (except herbaceous annuals) of any kind, also trees, field-grown shrubs, vines, cuttings, buds, grafts and scions. For this purpose he or his deputy or deputies shall have free access to any field, ground, packing ground, buildings, cellars, orchard, garden, elevator, warehouse, freight or express office or car, freight yard, vehicle, vessel, boat, container, and other places where the carrying out of the provisions of this act shall make necessary. The state inspector of nurseries is empowered and required to grant cer-

tificates upon request to such nurseries as he may find free from injurious insects and contagious plant diseases. Such certificates shall be good for one year unless revoked by him. This inspection of nurseries shall take place between May 1st and September 30th and at such other times as may be necessary to comply with the provisions of this act. Nurserymen or others having stock to inspect shall make application to the state nursery inspector for the inspection of stock so far as practicable on or before May 1st of each year. It shall be the duty of the inspector or his deputy to make the inspection as soon thereafter as possible.

For inspection of nurseries the fee shall be \$10.00 per annum for inspection of strawberry plants, evergreens, herbaceous plants, bulbs and roots; \$15.00 for inspection of other small fruit plants together with any or all of the plants mentioned heretofore; \$25.00 for inspection of general nursery stock including any or all of the plants mentioned heretofore. The determination of the charge or fee as per above schedule by the state inspector shall be conclusive on the question of amount of fee that shall be paid. The fee for inspection shall be paid at time of inspection or not later than April first following the date when inspection is completed and before a certificate is granted. If a dangerous insect pest or plant disease is found by the inspector on the premises inspected, and if in his judgment such pest or disease can be eradicated, he may direct the owner or his representative in writing what means shall be employed; in case any trees, shrubs or plants are so infested that treatment would be ineffectual he may direct the owner or his representative to have them destroyed. Said order shall be issued in writing. If the order be not obeyed within ten days after service thereof, the state inspector shall cause the work to be done and render to the owner or persons in charge an itemized bill of the cost; and if such cost shall not be paid within sixty days thereafter the bill shall be reported to the County Attorney, who shall forthwith collect same in civil action in the name of the state and shall turn same over to the State Treasurer to be credited to the inspection fund.

Whenever the state inspector of nurseries is requested to perform or supervise any inspection, fumigation or other service for which a fee or charge is not otherwise provided, he may charge and collect for such inspection or other service performed, two dollars for each carload or fraction thereof, lot, orchard or planting. Said fee shall be collected from the person making application and shall be paid within sixty days from date of said service. The necessary traveling expenses of the inspector shall be paid by said applicant in addition to the prescribed fee unless said service can be performed at a time when the inspector is in the same vicinity for the performance of his regular duties. (As amended Mar. 9, 1929, c. 59, §1.)

§6145-5. Inspection of nursery stock—certificate.—All nursery stock transported from any point or points in the State of Minnesota to other points within the state must be accompanied by a valid certificate of inspection

on the outside of each package. All nursery stock sold or offered for sale shall be in a sound healthy condition and shall be stored or displayed under conditions which will maintain its vigor. Nursery stock which is dead or so seriously weakened by drying, excessive heat or cold, or any other condition that in the judgment of the state inspector of nurseries or his deputy it will be unable to grow with normal vigor when given reasonable care shall not be sold or offered for sale. It shall be unlawful for any person, firm or corporation to sell or to offer for sale any nursery stock which has not within one year been officially inspected and found free from dangerous insect pests and plant diseases. (As amended Apr. 25, 1931, c. 365, §1.)

§6145-6. Common carriers must not accept stock not tagged. Railroad and express companies and all common carriers are hereby prohibited from accepting stock not tagged with certificate as above stated and must promptly notify the shipper. If the shipper does not furnish a certificate, such companies shall report said fact with the name and address of party offering said stock for shipment to the state inspector. (As amended Apr. 25, 1931, c. 365, §2.)

§6145-8. Must obtain dealers certificate before sale.—Any person, firm or corporation before offering for sale nursery stock not grown by said person, firm or corporation, must obtain from the state inspector of nurseries a dealer's certificate unless otherwise granted a regular certificate of inspection, such dealer's certificate to be granted to such person, firm or corporation for nursery stock purchased from any inspected nursery or for foreign nursery stock inspected in this state. Such dealer's certificate must be obtained whether or not such nursery stock is actually owned by said person, firm or corporation except that this provision shall not apply to any bona fide agent of a nursery or bona fide agent of a dealer in nursery stock. The certificate or duplicate copy thereof shall be displayed in a prominent manner at each place where such nursery stock is offered for sale. All dealer's certificates shall expire September 15 of each year. The fee for issuing dealer's certificate as provided herein shall be \$10.00 and an additional fee of \$5.00 shall be paid for each additional branch store or other premises where such nursery stock is offered for sale by said person, firm or corporation, except that any landscape gardener or landscape architect before offering for sale such nursery stock shall obtain a dealer's certificate upon payment of a fee of \$5.00. Only such persons, firms or corporations who plant all the nursery stock they furnish or sell to their clients shall be entitled to secure a certificate as a landscape gardener or landscape architect.

Provided, that before such certificate is granted, the person, firm or corporation requesting the same shall furnish a sworn affidavit that said person, firm or corporation will buy and sell only nursery stock which has been inspected by an official state inspector and that said person, firm or corporation will maintain with the state inspector of nurseries a list of all sources from

which nursery stock is secured. (As amended Apr. 25, 1931, c. 365, §3.)

Dealer's certificate is issued to the person and he may offer for sale at several places under one certificate. Op. Atty. Gen., Apr. 20, 1929.

The license of a dealer in nursery stock cannot be revoked for his act in purchasing uninspected nursery stock for sale. Op. Atty. Gen., July 29, 1930.

§6145-9. Violations—penalties.—Every person who shall violate any of the provisions of this act or of any quarantine order, rule or regulation issued hereunder, or who shall neglect or refuse to comply therewith, or with any notice issued hereunder, shall, except as hereinbefore otherwise provided, be guilty of a misdemeanor, and his certificate may be forthwith suspended, revoked or cancelled by the state inspector of nurseries upon five days' notice and opportunity to be heard. (As amended Apr. 25, 1931, c. 365, §4.)

NOXIOUS BUSHES AND WEEDS

§6146. Certain bushes declared nuisance.

174M457, 219NW770.

§6155. Destruction of noxious weeds on public highways.

Moorhead city ordinance respecting trees and grass plots along the public streets, and the cutting of weeds and grass, held faulty as to compelling a man to cut grass on a street or alley. Op. Atty. Gen., Apr. 10, 1931.

§6157. Local weed inspectors.

173M598, 218NW562.

Town chairman acting as local weed inspector is not entitled to receive compensation or expenses until the completion of the year's work and the filing of the report referred to in §6160, and the obtaining of the certificate of the Commissioner. Op. Atty. Gen., July 23, 1931.

§6161. Notices—Expenses—Lien.

173M595, 218NW562.

§6163-1. Appropriation for extermination of noxious weeds.—The commissioner of agriculture, dairy and food, hereafter referred to as commissioner, is hereby authorized and it shall be his duty to execute this law, and to that end he may make and enforce such regulations as in his judgment shall be necessary; he shall investigate the nature and extent of Austrian field cress in this state, and to that end may require information from any party or parties, public officer or official as to the presence of Austrian field cress and possible means for its eradication. For the purpose of performing his duties and exercising his powers herein he may enter, or have someone for him enter, upon any and all lands in the state and take such samples of Austrian field cress, soil or other material needed for said investigation and eradication of said noxious weed, and to these ends he may from time to time publish and circulate information through the press, publish bulletins and other publications.

It shall be the duty of the commissioner to take such steps as in his judgment may be necessary to place lands infested with the said Austrian field cress under his control for purposes of study and of practicing methods of eradication of Austrian field cress thereon. He shall have the authority to cooperate with

local township and county boards, with individuals and other state officials in the exercise of his duty as herein described. (Act Apr. 25, 1931, c. 387.)

§6164-1. County weed inspector may be appointed.—The Board of County Commissioners, whenever requested by the Commissioner of Agriculture, may appoint by resolution one or more county weed inspectors whose duties and powers shall be the same as those of a local weed inspector, and who shall supervise the work of such local weed inspectors and co-operate with them. (Act Apr. 26, 1929, c. 399, §1.)

§6164-2. County board may fix compensation.—Such appointment shall be for full time employment for a period of not less than two months between the 15th day of May and 15th day of October next following and the Board of County Commissioners shall fix the compensation of said county weed inspectors and they shall be allowed their traveling and other expenses necessarily incurred in carrying out their work, such compensation and expense allowed be paid out of the county general Revenue Fund. (Act Apr. 26, 1929, c. 399, §2.)

§6164-3. May employ assistants.—Such county weed inspectors shall, with the approval of the county board, have power to employ necessary help to assist in eradicating weeds and such help shall be compensated as provided in Chapter 377 of the Session Laws of 1925. [§§6151-6164] (Act Apr. 26, 1929, c. 399, §3.)

COMMISSION MERCHANTS

§6197. Definition—License—Bond.

Indemnity bond given by grain commission merchant is governed by the same rules of construction as are ordinary life and fire insurance policies. 178M136, 226NW396.

Contract held one of sale and factorage, and the contract was not invalid for uncertainty. 47F(2d)458.

§6200. Statement to consignor.

Indemnity bond given by grain commission merchant is governed by the same rules of construction as are ordinary life and fire insurance policies. 178M136, 226NW396.

§6202. Suit on bond, etc.

Provisions relative to filing of an affidavit with the commission are directory and not mandatory and suit may be instituted on the bond without such filing. 178M136, 226NW396.

WHOLESALE PRODUCE DEALERS

§§6240-1 to 6240-18 [Repealed].

Repealed Apr. 25, 1931, c. 394, §18, post, §6240-18 ½g.

§6240-6.

In action on bond given under G. S. 1923, §6226, where a surety admitted execution of the bond and offered a settlement exclusive of interest, held that general denial was properly stricken as sham and frivolous. 173M613, 216NW792.

§6240-13.

Ammon v. W., 235NW533.

§6240-18 ½. Dealers at wholesale.—For the purposes of this act any person who shall

buy or sell or contract to buy or sell, or who shall handle in wholesale lots for the purpose of resale, or who shall handle on account of or as an agent for another, any produce as herein defined, and any person who shall similarly engage in the business of assembling and trucking produce without an established place of business, shall be deemed a dealer at wholesale. (Act Apr. 25, 1931, c. 394, §1.)

§6240-18 ½ a. Definitions.—The term "produce" as used in this Act shall mean and include the natural products of the farm, except hay, grain, straw and livestock, other than veal; the natural products of the orchard, vineyard, garden and apiary, raw and manufactured; the raw and finished products of the dairy, creamery, cheese factory, condensory and dry milk factory; the products of livestock, including wool, mohair, skin, hides, and meats; veal; poultry and poultry products; game and fish; and the timber products of the farm produced upon farms and sold as part of the farming operations thereof.

(a) The term "person" shall mean an individual, firm, co-partnership, corporation or association.

(b) The term "Commissioner" shall mean the Commissioner of Agriculture, Dairy and Food of the State of Minnesota.

(c) The term "voluntary extension of credit" shall be construed to mean an agreement between the seller and the licensee wherein the time of payment for the purchase price of produce is extended beyond the due date.

(d) The term "due date" shall mean seven days from the date of delivery of produce by the seller to the licensee in the case of a sale; in all cases where produce is consigned seven days from the date the sale is made by the broker or handler, except as to creameries where the due date shall mean fifteen days following the monthly day of accounting subsequent to deliveries following the date fixed by each creamery for such accounting. (Act Apr. 25, 1931, c. 394, §2.)

§6240-18 ½ b. Dealers must be licensed.—No person shall engage in, or purport to be engaged in, or hold himself out as being engaged in the business of a dealer at wholesale, or as being a dealer at wholesale, as defined in this Act, unless he shall be licensed to carry on such business by the Commissioner. (Act Apr. 25, 1931, c. 394, §3.)

§6240-18 ½ c. Licenses—fees—bonds.—License to engage in the business of a dealer at wholesale within the State of Minnesota shall be issued by the Commissioner to such reputable persons as shall apply therefor, pay the prescribed fee and comply with the conditions herein specified, to-wit:

(a) The application shall be in writing, accompanied by the prescribed fee, and under oath and shall set forth the place or places where the applicant intends to carry on the business for which the license is desired, the estimated amount of business to be done monthly, the amount of business done during the preceding year, if any, the full names of

the persons constituting the firm, in case the applicant is a co-partnership, the names of the officers of the corporation and where incorporated, if a corporation, and a financial statement showing the value and character in a general way of the assets and the amount of liabilities of the applicant.

(b) The applicant shall execute and file with the Commissioner a bond to the State of Minnesota with sureties to be approved by the Commissioner, the amount and form thereof to be fixed by the Commissioner, conditioned for the faithful performance of his duties as a dealer at wholesale, provided that any and all bonds heretofore executed and filed with the commissioner by dealer at wholesale containing substantially the requirements of this act are hereby confirmed and approved, for the observance of all laws relating to the carrying on of the business of a dealer at wholesale, for the payment when due of the purchase price of produce purchased by him when notice of default is given the commissioner within ten days after the due date; provided that the bond shall not cover transactions wherein it appears to the commissioner that a voluntary extension of credit has been given on said produce by the seller to the licensee beyond the due date, for the prompt settlement and payment of all claims and charges due the State of Minnesota for services rendered or otherwise, for the prompt reporting of sales, as required by law, to all persons consigning produce to the licensee for sale on commission and the prompt payment to the persons entitled thereto of the proceeds of such sales, less lawful charges, disbursements and commissions. Such bond shall cover all wholesale produce business transacted in whole or in part within the State of Minnesota, and the license, or a certified copy thereof, shall be kept posted in the office of the licensee at each place within the state where he transacts business. All licenses shall expire May 31 of each year. The fee for each license shall be five dollars, and for each certified copy thereof one dollar. Whenever the licensee shall sell, dispose of or discontinue his business during the lifetime of his license, he shall at the time such action is taken notify the Commissioner in writing, and shall upon demand produce before the Commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of said business.

(c) The applicant shall file with the Commissioner a schedule of his commissions and charges for services in connection with produce handled on account of or as agent for another. (Act Apr. 25, 1931, c. 394, §4.)

§6240-18 ½ d. Commissioner may require additional bonds.—The Commissioner, whenever he is of the opinion that any bond theretofore given by any licensee is inadequate for the proper protection of the public, may require the licensee to give additional bonds in such amounts as from time to time he may determine and direct, with sureties to be approved by the Commissioner and conditioned as heretofore set forth. For the purpose of fixing or changing the amount of such bonds the Commissioner may require from a licen-

see verified statements of his business, and if the licensee fails to furnish such information or to furnish a new bond when directed by the Commissioner so to do, the Commissioner may forthwith suspend and after ten days' notice and opportunity to be heard revoke his license. (Act Apr. 25, 1931, c. 394, § 5.)

§6240-18 ½ e. Aggrieved parties may file complaint with commissioner.—Any person claiming himself to be damaged by any breach of the conditions of a bond given by a licensee as hereinbefore provided may enter complaint thereof to the Commissioner, which complaint shall be a written statement of the fact constituting said complaint. Upon filing such complaint in the manner herein provided, the Commissioner shall investigate the charges made, and at his discretion order a hearing before him, giving the party complained of notice of the filing of such complaint and the time and place of such hearing. At the conclusion of said hearing the Commissioner shall report his findings and render his conclusion upon the matter complained of to the complainant and respondent in each case, who shall have 15 days following in which to make effective and satisfy the Commissioner's conclusions. And if such settlement is not effected within the time aforesaid, either party, if aggrieved by any condition of the bond may upon first obtaining the approval of the Commissioner commence and maintain an action against the principal and sureties on the bond of the party complained of as in any civil action, provided no action against the bondsmen of a licensee shall in any instance be maintained without the written approval of the Commissioner, which shall be attached to and made a part of the original complaint in such action. Upon commencing such action a copy thereof shall be filed in the office of the Commissioner. The record of the hearing before the Commissioner shall be competent evidence in any court having jurisdiction. If such licensee has become liable to more than one person by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all persons entitled to the protection of the bond, the penalty of the bond as against the sureties shall be apportioned among the several claimants. In all cases where the liability of the licensee exceeds the amount of his bond, the Commissioner shall commence an action for the recovery of the full amount of said bond and when recovered such amount shall be deposited with the Commissioner who shall in the same action, subject to the approval of the court, pass upon and allow or disallow all claims which may be presented to him for payment or apportioned thereunder, and to effect the purposes herein may employ counsel, the expense thereof to be paid out of the amount recovered on such bond. (Act Apr. 25, 1931, c. 394, § 6.)

§6240-18 ½ f. Commissioner to establish grades.—The Commissioner shall have power to establish grades on all produce as herein defined, and when deemed necessary, shall provide for inspecting and grading produce

subject to sale, at such marketing points within the state as the Commissioner may designate, and provide for the issuing of certificates of inspection showing the grade, quality and conditions of such produce, and may charge and collect a reasonable fee therefor, a schedule thereof to be adopted and published from time to time. Such certificates of inspection shall be prima facie evidence in all courts of this state as to the grade, quality and condition of such produce at the time such inspection was made. Whenever any person having produce desires to have it inspected he may apply to the Commissioner for the service of an inspector or inspectors, and if it shall appear to the Commissioner that the volume of such produce is sufficient to justify such request, he may grant such service upon terms and conditions to be fixed by him, provided, however, that any inspection service so ordered and maintained shall be self-supporting. The Commissioner may require a deposit prior to the establishment of such inspection service in amount equal to the costs thereof as estimated by him, and he may further require that such deposits be renewed from time to time in such manner that a permanent account shall be maintained, sufficient at all times to pay the costs of such inspection service for a period of not less than 15 days in advance. Moneys placed in the hands of the Commissioner for the purpose aforesaid shall be placed in a separate account to be known as the "Produce Inspection Account" and the sums such persons shall contribute to each account shall be kept separate on the books of the Commissioner. No moneys shall be paid from said account for inspection services rendered to any person in excess of the moneys on hand accredited to his account. Said money shall be deposited in the state treasury in the same manner as other departmental receipts are deposited and shall be credited to the account herein created and shall be paid out only upon order of the Commissioner. Whenever any such agreement shall terminate by action of either party thereto, the Commissioner shall withdraw from such account the full amount of all such bills payable for services rendered, and shall return to the depositor any moneys remaining to his credit at the time such agreement terminates. Any sums deposited in the state treasury under the provisions of this act are hereby appropriated for the purposes set forth herein. (Act Apr. 25, 1931, c. 394, § 7.)

§6240-18 ½ g. Dealers may file brands or labels.—Any person producing or manufacturing, or handling in this state any of the products mentioned in this act, except cheese and butter, and preparing, packing and offering the same for sale, may file with the commissioner a brand or label which shall thereafter be the exclusive property of said applicant, and he may place upon said brand or label such descriptive or locative matter as shall be approved by the commissioner. The commissioner may issue to such applicant for brands and labels a permit to use the same subject to such regulations and restrictions as to quality of product so branded as the commissioner may determine. Said brand or label shall be recorded in the office

of the commissioner, and any person who shall without authority of the commissioner use any such brand or label, or shall brand and label therewith products or commodities of a quality below the standard permitted under the brand or label, shall be subject to the penal provisions of this act. (Act Apr. 25, 1931, c. 394, §8.)

§6240-18 ½ h. May secure inspection certificate.—Whenever produce is ready for sale, or is on its way to market, the owner thereof or the conveyor, or the prospective buyer, or any other interested party may call for and shall be entitled to inspection of such produce and to an inspection certificate as provided for in Section 7 [§6240-18 ½ f] of this act. (Act Apr. 25, 1931, c. 394, §9.)

§6240-18 ½ i. Produce shall be examined in certain cases.—Whenever produce is shipped to or received by a dealer at wholesale for handling, purchase or sale in this state at any market point therein giving inspection service as provided for in Section 7 [§6240-18 ½ f] of this act, and said dealer at wholesale finds the same to be in a spoiled, damaged, unmarketable or unsatisfactory condition, unless both parties shall waive inspection before sale or other disposition thereof, he shall cause the same to be examined by an inspector assigned by the commissioner for that purpose, and said inspector shall execute and deliver a certificate to the applicant thereof stating the day and the time and place of such inspection and the condition of such produce and mail or deliver a copy of such certificate to the shipper thereof. (Act Apr. 25, 1931, c. 394, §10.)

§6240-18 ½ j. Shipments on consignment.—Whenever any dealer at wholesale to whom produce has been shipped or consigned for sale on a commission basis or on consignment or under any circumstances wherein the title to said produce remains with the shipper, has received the same, he shall within a reasonable time thereafter make a written report to the shipper, which report shall include the exact time of arrival, quantity, quality and price per unit of the produce, and at the same time he shall pay the shipper the net amount due him. (Act Apr. 25, 1931, c. 394, §11.)

§6240-18 ½ k. Shipper may complain to commissioner.—Whenever a shipper after demand therefor, shall have received no remittance or report of sale, or shall be dissatisfied with the remittance, sale or report, he may complain in writing to the commissioner, who shall investigate the matter complained of. (Act Apr. 25, 1931, c. 394, §12.)

§6240-18 ½ l. Commissioner to investigate complaints.—Said commissioner is authorized to receive complaints against any persons dealing in, shipping, transporting, storing or selling produce, and shall have authority to make any and all necessary investigations relative to the handling of or storing, shipping or dealing in produce at wholesale, and he shall at all times have access to all buildings, yards, warehouses, storage and transportation facilities in which any produce is kept, stored, handled or transacted. For the

purpose of enforcing the provisions of this act, the commissioner shall have the authority, upon complaint being filed with him for any alleged violation of the provisions of this act or the regulations issued thereunder, or upon information furnished by an inspector of the Department of Agriculture, to forthwith suspend and upon ten days' notice and opportunity to be heard, revoke and cancel any license issued by him, and the commissioner shall have the power to revoke or cancel the license of any dealer who shall violate any of the provisions of this act. He shall have and is hereby granted full authority to issue subpoenas requiring the attendance of witnesses before him of books, papers and other documents, articles or instruments, and compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation, and shall have full authority to administer oaths, and to take testimony; and the commissioner shall thereafter give the complainant a written report of the investigation. Such report shall be prima facie evidence of the matters therein contained. All parties disobeying the orders or subpoenas of said commissioner shall be guilty of contempt as in proceedings in district courts of the state and may be punished in like manner. (Act Apr. 25, 1931, c. 394, §13.)

§6240-18 ½ m. Commissioner to make rules and regulations.—The commissioner shall have power and it shall be his duty from time to time to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of this act and governing the rates charged by and the buying, selling, advertising and trading practices of dealers at wholesale, which rules and regulations shall be filed in the office of the commissioner, and published twice in a legal newspaper of general circulation published at the capital of the state, and from and after the tenth day succeeding the date of the last such publication, such rules and regulations shall have the force and effect of law. An affidavit of such publication shall be kept on file in the office of the commissioner. A copy of such rules and regulations, certified by the commissioner shall be prima facie evidence of the facts therein contained, and of the due making and publication of such rules and regulations. (Act Apr. 25, 1931, c. 394, §14.)

§6240-18 ½ n. May cooperate with the United States department of agriculture.—The commissioner may co-operate with the United States Department of Agriculture and with other Federal authorities and with the state and municipal authorities of this and other states, and do and perform such acts and things as may be necessary and proper in carrying out the purpose of this act. (Act Apr. 25, 1931, c. 394, §15.)

§6240-18 ½ o. Violations—penalties.—Any person subject to the provisions of this act who shall:

- (a) Operate or advertise to operate as a dealer at wholesale without a license; or
- (b) Make any false statement or report as to the grade, condition, markings, quality or

quantity of produce received or delivered, or act in any manner so as to deceive the consignor or purchaser thereof; or

(c) Refuse to accept any shipment contracted for by him, unless such refusal is based upon the showing of a state inspection certificate secured with reasonable promptness after the receipt of such shipment showing that the kind and quality of produce is other than that purchased or ordered by him; or

(d) Fail to account for produce or to make settlement therefor within the time herein limited; or who shall violate or fail to comply with the terms or conditions of any contract entered into by him for the purchase or sale of produce; or

(e) Purchase for his own account any produce received on consignment, either directly or indirectly, without the consent of the consignor; or

(f) Issue any false or misleading market quotations, or who shall cancel any quotations during the period advertised by him; or

(g) Make or collect any commission or charge in excess of that shown in his schedule filed with the commissioner; or

(h) Increase the sales charges on produce shipped to him by means of "Dummy" or fictitious sales; or

(i) Receive produce from foreign states or countries for sale or resale, either within or without the state, and give the purchaser the impression through any method of advertising

or description that the said produce is of Minnesota origin; or

(j) Whoever shall violate any provisions of this Act or any rule or regulation made or published thereunder. By the commissioner shall be guilty of a misdemeanor, and his license may be forthwith suspended, revoked or cancelled by the commissioner upon ten days' notice and opportunity to be heard; but upon conviction of any such offense, or upon conviction of any federal court for violation of the federal statutes relative to the fraudulent use of the mails or of other criminal acts pertaining to the conduct of his business, it shall be the duty of the commissioner forthwith to revoke and cancel the license of the person so convicted. (Act Apr. 25, 1931, c. 394, §16.)

§6240-18 ½ p. Commissioner to enforce act.—The Commissioner shall be charged with the enforcement of the provisions of this Act and of the rules and regulations made and published thereunder. Upon complaint made it shall be the duty of the county attorney to prosecute all cases arising in his county for violation of this Act or of the rules or regulations made and published thereunder. (Act Apr. 25, 1931, c. 394, §17.)

§6240-18 ½ q. Law repealed.—Chapter 427, General Laws 1927, [§§6240-1 to 6240-18], and all other acts and parts of acts inconsistent with this Act are hereby repealed. (Act Apr. 25, 1931, c. 394, §18.)

CHAPTER 39

Bounties and Rewards

§6254. Bounties on wolves.—(a) Every person who shall kill a wild wolf in this state, not having at the time spared the life of any other such wolf he could have killed, shall upon compliance with the provisions of this act, be rewarded in the sum of fifteen dollars for each adult animal and six dollars for each cub, to be paid by the state out of the revenue fund or such other fund as may be appropriated therefor by law.

(b) Any county board may add to such reward and appropriate county funds therefor.

(c) For the purposes of this act any wolf killed before September 1st of the year in which it was born shall be deemed to be a cub, and any wolf killed on or after said date, if physically mature, though not full grown, shall be deemed to be an adult wolf. (As amended Apr. 25, 1931, c. 368, §1.)

§6255. Claim when and how made.—(a) Within thirty days after the killing, the claimant shall produce the entire carcass of the animal in the presence of two witnesses, to the clerk of the town, wherein the animal was killed, or, if the animal was killed in unorganized territory, to the nearest town clerk in the same county, and shall make and deliver to the town clerk a written statement of his claim under oath, in duplicate, describing the animal as adult or cub, as the case

may be, specifying the time and place of the killing thereof by the claimant, and stating that he did not on that occasion spare the life of any wild wolf he could have killed. All animals produced at any one time shall be included in one statement.

(b) The clerk shall examine each carcass produced in the presence of witnesses, and shall make such further investigation as may be necessary to verify the statements of the claimant. For the purposes of such investigation the clerk may examine under oath with respect to any pertinent matter the claimant and any other persons having knowledge of the facts, and may attach a statement of such investigation and examination to the statement of the claim. The toes of both front feet of the animal shall then be removed in the presence of the clerk and the two witnesses.

(c) The claimant may then remove the hide, including the scalp and ears, and shall then bury, destroy, or otherwise properly dispose of the remainder of the carcass. (As amended Apr. 25, 1931, c. 368, §2.)

§6256. Town clerk to issue certificate.—The town clerk, if satisfied that the statements of the claimant are true, that the requirements of the law have been complied with, and that the claimant is entitled to the