

1938 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1938)  
(Superseding Mason's 1931, 1934, and 1936 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 General Sessions, and the 1933-34, 1935-36, 1936, and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General; construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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the State Livestock Sanitary Board shall have exclusive jurisdiction and control over all matters pertaining to poultry diseases and the control and eradication thereof. And the State Livestock Sanitary Board is hereby authorized to formulate, adopt and enforce rules and regulations whereby owners of poultry breeding flocks may, upon agreement with the said board, have such flocks examined, tested and officially designated as tested, approved or accredited free from bacillary white diarrhea, tuberculosis or other communicable infectious diseases when and as approved methods for official testing for such other diseases may be adopted by the said board; provided there are necessary personnel and available funds appropriated for the use of the said board in making such tests and inspections. In order to distinguish eradication of specific diseases, the abbreviation for the disease shall be prefixed to the words "tested," "approved" or "accredited," as "T. B. Tested," "T. B. Approved" and "T. B. Accredited" for tuberculosis and "B.W.D. Tested," "B.W.D. Approved" and "B.W.D. Accredited" for bacillary white diarrhea. (Act Apr. 25, 1931, c. 408, §6.)

**5460-13. Products to be labeled.**—All poultry and poultry products shipped under the authority of this act shall be uniformly labelled with designs prescribed and furnished by the Minnesota Poultry Improvement Board, provided that all labeling for testing, approval and accreditation as to disease shall first be approved by the State Livestock Sanitary Board. (Act Apr. 25, 1931, c. 408, §7.)

**5460-14. Certain advertising prohibited.**—No person, firm, association, partnership or corporation shall use in literature, advertising material or on shipping labels or otherwise the words "tested," "approved," "accredited" or "certified" in conjunction with either the word "state" or the word "Minnesota" or both of them as related to a poultry hatchery or a poultry breeding flock except under the authority of this act. (Act Apr. 25, 1931, c. 408, §8.)

Advertisements concerning testing of chicks giving false impression of inspection and supervision by State of Minnesota violated this section. Op. Atty. Gen., Mar. 12, 1934.

Word "state" cannot be used in conjunction with words "blood tested" where no agreement has been entered into with livestock sanitary board. Op. Atty. Gen. (641b), Mar. 19, 1935.

**5460-15. May cancel certificates.**—In his discretion, the secretary and executive officer of the Minnesota Poultry Improvement Board may cancel any certi-

cate of accreditation or certification issued under the authority of his board, and likewise the secretary and executive officer of the State Livestock Sanitary Board may cancel any certificate of testing, approval or accreditation issued under the authority of his board for violation of this act or any rule or regulation adopted hereunder; and any person, firm, association, partnership or corporation who shall violate any provision of this act or any regulation adopted hereunder shall be guilty of a misdemeanor. (Act Apr. 25, 1931, c. 408, §9.)

Sec. 10 of the act makes an appropriation for fiscal year ending June 30, 1932.

**5460-16. Effective September 1, 1931.**—This act shall take effect and be in force from and after the first day of September, 1931. (Act Apr. 25, 1931, c. 408, §11.)

**5460-17. The Livestock Sanitary Board may maintain quarantine.**—The State Livestock Sanitary Board is hereby authorized and empowered to establish and maintain, at the owner's expense, a quarantine of any or all domestic animals and/or poultry imported into the state whenever in its judgment such quarantine is necessary to protect the health of the domestic animals or poultry of the state. Such quarantine shall be established by the adoption of a resolution declaring such quarantine and specifying the terms, conditions, scope and application thereof, and the publication of such resolution as provided for the publication of rules and regulations promulgated by such Board. (Act Feb. 21, 1933, c. 33, §1.)

**5460-18. May not break quarantine.**—Upon the establishment of such quarantine, it shall be unlawful for the owner or the person having the custody or control of the animals or poultry subject to such quarantine to remove them or any of them from the premises where they first come to rest within the state after the interstate shipment or transportation is completed, until released by authority of the State Livestock Sanitary Board. (Act Feb. 21, 1933, c. 33, §2.)

**5460-19. Violation a misdemeanor.**—Any person removing any animal or any poultry while subject to quarantine as herein provided in violation of the provisions hereof, shall be guilty of a misdemeanor. (Act Feb. 21, 1933, c. 33, §3.)

**5460-20. Definition.**—The word "person" as used herein shall mean any person, firm or corporation. (Act Feb. 21, 1933, c. 33, §4.)

## CHAPTER 30A

### Inspection of Apiaries

#### 5461. State inspector.—Deputies.

Determination by the appointing power on question of fact as to whether appointee has had such practical experience as to render him eligible as a practical apiarist, will be binding on the courts in the absence of a clear abuse of judicial discretion. Op. Atty. Gen., June 10, 1931.

#### 5471. Compensation of inspector and deputies.

Deputy inspectors are entitled to be reimbursed for expenses incurred in the performance of their duties. Op. Atty. Gen., June 10, 1931.

## CHAPTER 31

### Inspection of Steam Vessels and Boilers

#### 5474. District boiler inspector.—Appointment, etc.

District boiler inspector from 1905 to 1919 was a state employee. Op. Atty. Gen., Oct. 16, 1933.

State boiler inspector has authority to inspect air pressure vessels on trolley cars in connection with their brakes. Op. Atty. Gen. (34g-12), July 13, 1934.

#### 5475. Who eligible.

A janitor of a school may also be employed as a state boiler inspector. Op. Atty. Gen., Aug. 18, 1931.

#### 5476. Deputy inspectors.

Op. Atty. Gen., Aug. 18, 1931; note under §5475.

#### 5480. Examinations of master and pilots, etc.

Operator of gasoline launch on inland water must obtain permit from State boiler inspector and conservation commission in certain cases. Op. Atty. Gen., Mar. 21, 1934.

A village has no authority to regulate the operation of boating, bathing, etc., in a public lake. Op. Atty. Gen. (273d-1), Aug. 25, 1934.

#### 5481. Inspection.

Minnesota general hospital should not discriminate against indigent patients. Op. Atty. Gen. (1001c), June 23, 1937.