

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 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 Law Review Articles and digest of all common law decisions.

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Indemnity is payable for slaughtered reactors to Bang's Disease even though some reactors are segregated, but indemnity will only be paid for animals slaughtered within the time limit. Op. Atty. Gen. (293B-1), Feb. 24, 1942.

5460-27. Board to make and enforce rules.

Failure to comply with rules and regulations of sanitary board are punishable under §5407. Op. Atty. Gen. (293b-1), May 14, 1941.

CHAPTER 31

Inspection of Steam Vessels and Boilers

5474. District boiler inspector—Appointment, etc.
Boilers belonging to a state department must be inspected and department must pay fee. Op. Atty. Gen., (33c), Dec. 18, 1939.

Commission has power to adopt and enforce rules and regulations relating to licensing of engineers and boiler inspection, and approval of governor is unnecessary. Op. Atty. Gen., (34f), January 22, 1940.

An individual operating a steam boiler, to furnish steam for pressure retorts at a community canning center, should be required to obtain a license to operate the boiler. Op. Atty. Gen. (136d), May 21, 1943.

5480. Examination of master and pilots.

Inspection by State Boiler Inspectors is required in case of motor boat used exclusively for towing row boats which are occupied by a pilot and persons fishing or outing on inland lakes. Op. Atty. Gen. (34g-2), Apr. 24, 1942.

5486. Allowance of and aiding inspection—License, etc.

It is not necessary for employee of a city lighting and heating plant working under supervision of a chief engineer to take out a steamfitter's license in order to make minor repairs, and they need not secure an engineer's license unless they are entrusted with operation of a steam boiler or steam machinery. Op. Atty. Gen., (34f), Oct. 18, 1939.

It is not necessary for a civil service employee of federal government operating a boiler upon federal property to have a state boiler license. Op. Atty. Gen., (34f), March 29, 1940.

An individual operating a steam boiler, to furnish steam for pressure retorts at a community canning center, should be required to obtain a license to operate the boiler. Op. Atty. Gen. (136d), May 21, 1943.

5490. District boiler inspector to deliver certificates—fees for inspection.—After examination and tests, if the district boiler inspector, finds any steam boiler or pressure vessel safe and suitable for use, he shall deliver to the chief boiler inspector a verified certificate in such form as the chief boiler inspector shall prescribe, containing a specification of the tests applied and the working pressure allowed, a copy of which the district boiler inspector shall furnish to the owner of the boiler or pressure vessel, who shall post and keep the same in a conspicuous place on or near boiler or pressure vessel. The district boiler inspector is entitled to a fee of \$3.00 for the inspection of each boiler or pressure vessel and its connections, payable on delivery of the certificate. The fee for inspection of tanks or receptacles containing air under pressure is \$1.00. The fee for the examination for an engineer's license is: Chief engineer, \$7.00; first-class, \$5.00; second-class, \$3.00, and special, \$2.00; and for each yearly renewal, \$1.00. 50 per cent of all license fees shall go to create a fund to be known as the boiler inspectors' fund and 50 per cent to the inspector of the district where the examination is held or renewal made. This fee shall accompany the application. (As amended Apr. 7, 1943, c. 340, §1.)

Boilers belonging to a state department must be inspected and department must pay fee. Op. Atty. Gen., (33c), Dec. 18, 1939.

Commission has power to adopt and enforce rules and regulations relating to licensing of engineers and boiler inspection, and approval of governor is unnecessary. Op. Atty. Gen., (34f), January 22, 1940.

CHAPTER 31A

Inspection and Regulation of Aircraft

UNIFORM STATE LAW FOR AERONAUTICS

5494-1 to 5494-10. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

No state department has jurisdiction over location of power wires and poles to extent of requiring removal in interest of public safety. Op. Atty. Gen. (234), Nov. 7, 1941.

5494-11. Owners of aircraft liable for injuries. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

When a plaintiff has proved a bailment the defendant has burden of establishing before jury that defendant's negligence did not cause loss of property bailed, and this is not merely the burden of going forward with proof, but the burden of establishing due care on its party by a preponderance of the evidence, and this was true as to a flying field which was shown to be bailee of a light airplane destroyed by wind storm. Zanker v. Cedar Flying Service, 214M242, 7NW(2d)775. See Dun. Dig. 249c.

Proprietor of a flying field as bailee of a light airplane must exercise care commensurate with likely changes in weather and effect of high or squally winds upon such a plan must be taken into account by it, as effecting its liability for destruction of the plane by a wind storm. Id.

5494-12 to 5494-15. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

5494-16. Certain acts a misdemeanor. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

This section was amended in 1941, c. 386, §1. This section supersedes Mason St., §1628, but does not supersede §1629. Op. Atty. Gen., (234a), July 21, 1941.

5494-17 to 5494-36. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

ACT TO REGULATE AERONAUTICS

5494-36 ½. Definitions. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

This act has been adopted by the following states: Arizona, Delaware, Georgia, Hawaii, Idaho, Indiana, Maryland, Michigan, Minnesota, Montana, Nevada, New Jersey, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont and Wisconsin.

Sovereign power and jurisdiction of a state is not limited to the ground, and an airplane in the air over territory of a state is within the state and subject to its sovereign power. State v. Northwest Airlines, 213M395, 7NW(2d)691. See Dun. Dig. 249a, 8824.

(j)

A ground school conducted by a state teachers' college need not be licensed. Op. Atty. Gen. (234d), Nov. 5, 1941.

5494-36 ½ a to 5494-36 ½ j. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

5494-36 ½ k. Airport operators to make application for approval—Licenses. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

Commission may require applicants for license to conduct an air school to make a showing of financial ability and to comply with requirements of laws and regulations pertaining to safety, but may not require operator of school to furnish bond in support of his financial responsibility or prescribe a code of prices or rates. Op. Atty. Gen. Sept. 18, 1941.

A ground school conducted by a state teachers' college need not be licensed. Op. Atty. Gen. (234d), Nov. 5, 1941.

5494-36 ½ l to 5494-36 ½ w. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

MUNICIPAL FLYING FIELDS

5494-37. Cities and villages may equip air fields.**[Repealed.]**

Repealed. Laws 1943, c. 653, §24.

City may purchase land contiguous thereto for a municipal golf course or airport without approval of voters, but cannot issue bonds without approval. Op. Atty. Gen., (59B-11), May 24, 1940.

A city may not appropriate funds to assist in support and maintenance of a private airport. Op. Atty. Gen. (59a-3), May 20, 1942. See Dun. Dig. 6551.

City of Pipestone may lease land for golf course and airport purposes without a vote of electors, under a lease providing an option to purchase and to receive property as a gift if rentals are paid for a certain time. Op. Atty. Gen. (59a-40), June 3, 1942.

To acquire land and improve it for an airport, procedure provided in city charter must be followed. Op. Atty. Gen. (234b), Oct. 15, 1942.

It is only in cities of the first class that land for a new airport be contiguous to an existing airport. Op. Atty. Gen. (234b), Jan. 28, 1943.

City may not sublet municipal airport to a private individual, conferring upon him exclusive control, possession and management thereof for his own private profit. Op. Atty. Gen. (234b), Feb. 3, 1943.

5494-38. County Board may acquire airports. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

This section was amended by Laws 1941, c. 264, §1.

5494-39. May exercise power of eminent domain. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

Under Uniform Airports Act municipality may condemn land beyond its limits and even within geographical lim-

its of another municipality. Howard v. A., 10SE(2d)(Ga) 190.

5494-40. May acquire lands by gift, purchase, etc.**[Repealed.]**

Repealed. Laws 1943, c. 653, §24.

Village operating under Laws 1885, c. 145, should proceed under §23 of that act in condemning property for a municipal airport. Op. Atty. Gen., (234b), May 27, 1941.

5494-41. May maintain and operate flying fields.**[Repealed.]**

Repealed. Laws 1943, c. 653, §24.

Power to maintain an airport or bathing beach outside city limits carries with it authority to adopt rules and regulations governing use thereof. Op. Atty. Gen., (62b), Apr. 9, 1941.

5494-42. Annual appropriation. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

Cost of acquiring land for an airport may be levied on taxpayers without first issuing bonds. Op. Atty. Gen. (234b), Oct. 15, 1942.

5494-43. Application. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

5494-44. Bonds may be issued. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

Act Apr. 16, 1941, c. 257, enables villages having population in excess of 10,000 to issue bonds to complete construction of airports under construction.

Elections and bond issues and sale. Op. Atty. Gen. (234b), March 25, 1943.

5494-45 to 5494-47. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

CHAPTER 31B

Metropolitan Airports Commission

5494-101. Declaration of purposes.—It is the purpose of this act to promote the public welfare and national security; serve public interest, convenience, and necessity; promote air navigation and transportation, international, national, and local, in and through this state; increase air commerce and promote the efficient, safe, and economical handling of such commerce; assure the inclusion of this state in national and international programs of air transportation; and to those ends to develop the full potentialities of the metropolitan areas in this state as aviation centers, and provide for the most economical and effective use of aeronautic facilities and services in those areas. (Act Apr. 19, 1943, c. 500, §1.) [360.101]

5494-102. Definitions.—Subdivision 1. The following words, terms, and phrases shall, for the purposes of this act, be given the meanings subjoined to them.

Subd. 2. "Commission" and "corporation," each means a corporation created under this act as a metropolitan airports commission.

Subd. 3. "City council" or "council" means the governing body of a city, however, designated by law or charter.

Subd. 4. "Commissioner" means a person appointed or otherwise selected as, and, after his qualification, acting as, a member of a corporation created under this act.

Subd. 5. "The commissioners" means a quorum of the members of a corporation created under this act, acting as the governing body of such corporation.

Subd. 6. "Aeronautics" means the science and art of flight.

Subd. 7. "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Subd. 8. "Airport" means any locality, either of land or water, including intermediate landing fields, which is used or intended to be used for the landing

and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers, or cargo, and also includes any facility used in, available for use in, or designed for use in, aid of air navigation, including, but without limitation, landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft, and also includes, but without limitation, access roads, parking areas, railroad siding facilities, such land contiguous or not as may be required for installations necessary for safe and efficient operation, buildings, structures, hangars, shops, and any personal property usually used in connection with the operations of such airports, including specifically, but not exclusively, snow removal or impacting equipment, fire and ambulance equipment, motor vehicles and equipment for buildings, structures, hangars, and shops. It includes any area heretofore in the statutes of this state termed an "airport" or a "flying field."

Subd. 9. "City" or "each city" means one of the two contiguous cities of the first class in and for which a corporation shall be created under this act. (Act Apr. 19, 1943, c. 500, §2.) [360.102]

5494-103. Public corporation created.—Subdivision 1. For the purposes herein provided there shall be created a public corporation in and for any two contiguous cities of the first class in this state, to be known as the Metropolitan Airports Commission of those cities.

Subd. 2. This act is expressly declared to be applicable to all such cities whether or not they are now or hereafter existing under a charter framed and adopted under Section 36 of Article IV. of the state constitution. (Act Apr. 19, 1943, c. 500, §3.) [360.103]