

Sec. 2. **Limit on number of birds which may be taken.**—That Mason's Minnesota Statutes of 1927, Section 5552, be and the same is hereby amended to read as follows:

"5552. A person may take during the open season not to exceed 10 quail, and not to exceed 5 partridge or *ruffed* grouse, and not to exceed 3 Chinese ringneck or English pheasants *in the aggregate of both kinds, only one of which may be a female*, in one day. No person shall have more than 15 quail or 15 partridge or *ruffed* grouse, or more than 12 Chinese ringneck or *English pheasants in the aggregate, of both kinds*, in possession at any one time. Not more than 18 Chinese ringneck or English pheasants *in the aggregate of both kinds and not more than 30 in the aggregate of all kinds of game birds enumerated in this section* may be taken in any one open season."

Approved March 18, 1931.

CHAPTER 70—S. F. No. 225

An act to regulate the tagging, labeling or branding, and sale of potatoes in closed packages.

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

Section 1. **Potatoes to be graded and tagged.**—Potatoes grown in Minnesota when packed for carload shipments or offered for sale by persons other than the growers or producers thereof in carload lots and potatoes, when packed for truck-load shipments or offered for sale in Minnesota in truck-load lots, other than by the producer, shall be tagged, labeled, or branded as follows:

GRADES

U. S. No. 1, Minnesota Commercial Grade, U. S. No. 2, Unclassified and Minnesota Certified Seed.

The U. S. Grades shall conform in all respects to the requirements laid down by the U. S. Department of Agriculture.

The Minnesota Commercial Grade shall conform in all respects to the U. S. No. 1 grade but in order to allow for variations incident to proper grading and handling, *a tolerance of defect of four per cent, in weight, additional on number one grade may be allowed for this grade*, but not to exceed one percent shall be allowed for potatoes affected by soft rot.

The Unclassified shall consist of all potatoes not meeting the requirements of the foregoing grades, and shall be sold either as such,

or on a certificate of inspection duly made by an authorized inspector of the State Department of Agriculture.

Sec. 2. To be labeled.—Every closed package containing potatoes offered or exposed for sale at wholesale or at retail in cities of the first and second class by persons other than the growers thereof, shall bear upon the outside of each package either by brand, tag, or label in plain letters and figures the grade of the potatoes therein contained and the minimum weight when packed.

Sec. 3. Definitions.—“Closed Package” means any container which shall be either sewed, tied, nailed or otherwise secured.

Sec. 4. Marks and Brands.—The marks and brands prescribed in this Act may be accompanied by additional marks or brands which are not inconsistent with, or more conspicuous than, and which do not in any way obscure the marks and brands prescribed.

Sec. 5. Who may pack and ship.—No person other than the growers thereof shall pack for sale, ship for sale, offer or consign for sale, or sell potatoes in closed packages in carload lots, not branded in accordance with the provisions of this Act; also no person shall pack for sale, ship for sale, offer or consign for sale, or sell in closed packages in truckload lots, other than the producer, which are not tagged, labeled, or branded in accordance with the provisions of this Act.

Sec. 6. Not to impair freedom of contract.—Nothing in this Act contained shall be construed in any manner to impair the freedom of *contract* between individuals relative to the sale and disposal of potatoes between the owners thereof and the persons purchasing the same. When any seller and buyer of potatoes shall by a contract in writing agree to sell and dispose of to any person potatoes in any lots or quantities of the grades and varieties specified herein, or of any other grade and variety or quality concerning which the persons desire to contract, he shall have the legal right to do so and shall be bound by the terms of such contract so entered into, and in case any seller attempts to tender in fulfillment of any such contract potatoes of a lower standard or quality than those specified in such a contract the purchaser of the same shall have the legal right to either reject the same or accept them upon a tolerance basis commensurate in value between the market price of the grade and quality contracted for and the grade and quality of the potatoes tendered in delivery thereon.

Sec. 7. Determination of controversies.—In determining controversies and standards between the parties as to the quality and condition of potatoes offered for sale or tendered in performance

of contracts for sale in this state, the certificates of a duly authorized and commissioned inspector of the State of Minnesota shall be prima facie evidence both of the grade and quality of the potatoes offered for sale or tendered in performance of any contract and of the amount of tolerance existing in the designated quantity of said potatoes at the time and place at which said inspection is made.

Sec. 8. Not to pay inspectors.—No person shall directly or indirectly hire, or pay the compensation of any inspector whose duty it is to determine the grade or quality of potatoes offered or exposed for sale in the State of Minnesota, other than the State of Minnesota whose duly constituted officers shall in due form and accordance with law issue commissions to inspectors duly authorizing and empowering them to act as such.

Nothing herein shall prevent any person paying the proper inspection fees, duly established to the proper persons duly authorized to receive the same, but the payment or allowance of any gratuity, commission or allowance in addition thereto shall constitute the crime of bribery and shall be punished by law as such.

Sec. 9. Certain acts unlawful—penalties.—It shall be unlawful for dealer or person merchandising potatoes in the State of Minnesota with the intent to deceive, to attach any tag, label or brand to any closed package or carload of potatoes, any grade, certificate, brand or tag, which does not reasonably represent the true and correct grade, quality or standard of the grade, quality or brand of the potatoes contained in said closed package or carload, at the time of attaching the same, and the condition of said carloads and closed packages when said tags, labels, certificates or brands are found attached to them shall be prima facie evidence of the condition of the same at the time of attaching.

Any person violating this section shall be guilty of a simple misdemeanor for the first offense and a gross misdemeanor for each subsequent offense, and such conviction may be proper cause for the suspension or forfeiture or cancellation of any license held by such person so convicted.

Sec. 10. Commissioner to enforce act.—*It shall be the duty of the commissioner of Agriculture to enforce the provisions of this Act.*

Sec. 11. Effective September 1, 1931.—*This Act shall become effective from and after September 1st, 1931.*

Approved March 18, 1931.