

CHAPTER 114—S. F. No. 328

An act to authorize cities of the first class to acquire property and easements therein for public street and highway uses and purposes.

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

Section 1. Cities may acquire land by condemnation.—Each city of the first class in this state, acting through its city council or other chief governing body of the city, and in addition to all other powers possessed by the city, is hereby authorized and empowered to acquire, by purchase, gift, devise or condemnation, any lands or property, and any rights and easements therein, which may be needed or required by the city for public street and highway uses or purposes; including among others easements for public streets and highways, and bridges and approaches thereto, with necessary supports and abutments therefor, within its corporate boundaries and notwithstanding the fact that the property so needed or required has been acquired by the owner under the power of eminent domain or is already devoted to a public use.

Sec. 2. Proceedings.—Proceedings in eminent domain under this Act shall be in pursuance of Chapter 41, Revised Laws 1905, and acts amendatory thereof and supplementary thereto. The city, upon giving the notice required by Section 2528, Revised Laws of 1905, may enter upon and appropriate the lands so condemned or any distinct parcel thereof, without the giving of any bonds, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, whether by commissioners acting under said laws, or by the court upon appeal from their award, together with all costs and expenses adjudged against it in said proceedings, and the court shall issue a writ to the sheriff of the county to put the city in possession. In case the city shall take appeal in any such proceedings, it shall not be required to give or file any appeal bond.

Sec. 3. Application.—This Act shall apply to cities of the first class operating under a home rule charter pursuant to Section 36, Article 4, of the state constitution.

Sec. 4. This Act shall be in force and take effect from and after its passage.

Approved April 5, 1927.

CHAPTER 115—S. F. No. 935

An act relating to the inspection and certification of seed potatoes under authority of the Commissioner of Agriculture, repeal-

ing Sections 6132 to 6139, both inclusive, General Statutes 1923, and all acts and parts of acts inconsistent therewith, and providing penalties.

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

Section 1. Inspection of seed potatoes—definitions.—In this act unless otherwise specified, the term “inspected” means that the potato plants are examined in the field and that the harvested potatoes produced by such plants are examined by the commissioner or under his authority;

The word “certified” shall mean that the potatoes were inspected while growing in the field and again after being harvested, and were thereafter duly certified, by the commissioner or under his authority, as herein provided and as provided by rules or regulations adopted and published by the commissioner;

The word “registered” shall mean that the potatoes are of an approved and known variety which is the progeny of a seed potato and which is not more than the third generation from such seed potato selected on a basis of plant and tuber characters, such characters being designated and prescribed by the commissioner. Otherwise said “registered” potatoes shall conform to the requirements of “certified” seed potatoes as herein provided;

The word “person” shall be construed to import both the singular and the plural as the case requires and shall include corporations, co-partnerships, companies, societies, firms and associations;

The word “commissioner” shall mean the commissioner of agriculture of the State of Minnesota;

The term “seed potatoes” shall be construed to mean potatoes used, sold, offered or exposed for sale or held with intent to sell or as a sample representing any lot or stock of potatoes offered or exposed for sale or held with intent to sell within this state, for the purpose of planting; and

The word “label” shall include any tag, label or device attached to or written, stamped or printed on any container of seed potatoes, purporting to set forth the kind of seed potatoes therein contained, or any other information in relation thereto.

Sec. 2. Inspection and certification authorized.—The inspection and certifying of seed potatoes by or under the direction of the commissioner as herein provided, is hereby authorized.

Sec. 3. Commissioner to appoint inspectors.—The commissioner is hereby authorized and it is made his duty to provide the means and direct the work for the inspection and certification of seed potatoes. He shall provide such forms as are necessary and keep a record of the work performed, and shall appoint, designate or employ such officers, inspectors and employes as may be deemed necessary and fix their compensation.

Sec. 4. Certificates to be issued, when.—The commissioner shall cause certificates of inspection to be issued only when seed potatoes have been inspected while growing in the field and again after being harvested. Such certificates shall show the varietal purity and the freedom from disease and physical injury of such potatoes and shall contain such other information as may be prescribed by rules and regulations adopted and published hereunder.

Sec. 5. Inspector's bond.—The commissioner shall require a bond in the sum of \$5,000.00 to the State of Minnesota to be given by the person appointed or designated by him to receive the fees herein provided for, the cost of such bond to be paid from the "seed potato inspection fund."

Sec. 6. Fees for inspection.—The commissioner shall fix the fees for all inspections and certifications in such amounts as from time to time may be found necessary to pay the expenses of carrying out and enforcing the purposes of this act, with a reasonable reserve, and shall require the same to be paid before such inspections or certifications are made. All moneys collected as fees or as penalties for violation of any of the provisions of this act shall be paid into the state treasury and therein credited to the "seed potato inspection fund" of the commissioner, which fund is hereby created and appropriated for carrying out the purposes of this act. Interest, if any, received on deposits of said moneys shall be credited to such fund and there shall be paid into said fund any sum provided by the legislature for the purpose of carrying out the provisions of this act.

Sec. 7. Compensation and expenses to be paid from inspection fund.—All necessary expenses incurred in carrying out the provisions of this act, and the compensation of officers, inspectors and employes appointed, designated or employed by the commissioner as herein provided, together with their necessary traveling expenses, shall be paid from and only from the said "seed potato inspection fund" on order of the commissioner and auditor's voucher warrant.

Sec. 8. Growers to make application for certificate.—Any person may make application to the commissioner for inspection and/or certification of his seed potatoes growing or to be grown. Upon receiving such application and the required fee and such other information as may be required, the commissioner shall cause such potatoes to be inspected and/or certified in accordance with the provisions of this act and the rules and regulations adopted and published hereunder.

Sec. 9. Commissioner to adopt and publish rules and regulations.—It shall be the duty of the commissioner from time to time to adopt, amend and publish uniform rules and regulations, not inconsistent with law, for carrying out the purposes

and enforcing the provisions of this act, which such rules, regulations and amendments thereto shall be published once in a legal newspaper of general circulation published at the capital, and from and after the tenth day following the date of such publication, such rules, regulations and amendments shall have the force and effect of law. An affidavit of publication, setting forth the said rules, regulations or amendments thereto, shall be made by the publisher thereof and filed in the office of the commissioner. Copies thereof as so published, certified by the commissioner, shall be prima facie evidence in all courts of the matters therein contained and of the due adoption and publication of such rules, regulations or amendments.

Sec. 10. Unlawful to use certain terms on uninspected seed.—It shall be unlawful to use or employ the term "certified" or the term "inspected" or the term "registered," or any term or terms conveying a meaning substantially equivalent to the meaning of any of said terms, either orally or in writing, printing, marking or otherwise in reference to or in connection with, or in advertising or characterizing or labeling seed potatoes or the containers thereof, unless such potatoes shall have been duly inspected, registered and certified pursuant to the provisions of this act.

Sec. 11. Penalties for violation.—Any person violating any of the provisions of this act or any rule or regulation adopted or published by the commissioner hereunder, shall be guilty of a misdemeanor and upon conviction for a first offense shall be punished by a fine of not less than \$25.00 nor more than \$100.00 or by imprisonment for not less than ten days nor more than 90 days, and for each second and subsequent offense by a fine of not less than \$50.00, nor more than \$500.00, or by imprisonment for not less than 30 days nor more than six months.

Sec. 12. Commissioner to institute proceedings.—It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case herein provided.

Sec. 13. Acts repealed.—Sections 6132 to 6139, both inclusive, General Statutes 1923, and all acts and parts of acts inconsistent herewith, hereby are repealed.

Approved April 5, 1927.

CHAPTER 116—S. F. No. 953

An act authorizing the renewal of the period of duration of any corporation having not more than \$1,500 of capital stock issued