

any amendments thereto increasing capital stock of all of the corporations parties to such consolidation agreement.

Approved April 22, 1927.

CHAPTER 386—S. F. No. 237.

An act to amend General Statutes 1923, Section 4545, relating to the admission of patients to the state sanatorium for consumptives.

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

Section 1. ~~Admission—examination—expenses—how paid.—~~ That General Statutes 1923, Section 4545, be amended to read as follows:

4545. Only persons who have resided in the state throughout the year preceding application and who are afflicted with incipient pulmonary tuberculosis shall be received into the sanatorium. Persons desiring admission shall apply to the superintendent, and all applications shall be numbered in the order of receipt. When a vacancy exists the superintendent shall give to the person whose name is first upon the list an order for examination directed to any examining physician. The advisory commission shall appoint such physicians, not exceeding three for each county, whose fee for examination shall be three dollars, payable out of funds appropriated for the sanatorium. The examiner shall determine whether the applicant is afflicted as aforesaid and report his conclusion to the superintendent. The board shall fix the amounts to be charged for maintenance and treatment. A person unable to pay such charges and without kindred legally liable therefor and able to pay may be admitted on request of his county board, and the charges shall be paid by the county.

Provided, that in all counties in this state now or hereafter having a population of over 200,000 inhabitants and maintaining a county tuberculosis sanatorium, the county sanatorium commission shall have the same powers with reference to tubercular persons as county boards under this section, and the charges for their care shall be paid by said county sanatorium commission out of its funds."

Approved April 22, 1927.

CHAPTER 387—S. F. No. 763.

An act to regulate the selling, offering or exposing for sale of agricultural seeds in this state and providing penalties for the violation thereof and repealing Chapter 141, General Laws of 1913.

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

Section 1. Definitions.—The term “agricultural seeds” or “agricultural seed” as used in this Act shall include the seeds of corn, wheat, oats, barley, rye, emmer, flax, sudan grass, sorghum, buckwheat, sweet clover, medium and mammoth red clover, alsike clover, white clover, alfalfa, soybeans, field peas, beans, vetches, rape, timothy, bromus, redtop, Kentucky blue grass, Canada blue grass, rye grass, sweet vernal grass, fescue, millet, oat grass, orchard grass, wheat grass and all other seeds used for planting or sowing for agricultural and lawn purposes and shall be construed to mean such seed when sold, offered or exposed for sale or had in possession with intent to sell or as a sample representing any lot of seed elsewhere stored and for sale within this state for purposes of sowing or planting.

The word “kind” shall mean variety, sort or species, indicating the commonly accepted name of such seed.

The word “approximate” when referring to amounts relating to purity of agricultural seeds or percentages shall mean within the range of tolerance of inert matter and of other agricultural seeds and of all weed seeds contained with the agricultural seed in question and obtained on the basis of a 0.2 per cent fixed figure plus 20 per cent of the lesser part.

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

The word “Commissioner” means the Commissioner of Agriculture of the State of Minnesota.

The word “weed seed” shall be construed to mean the seeds and bulblets of any and all weeds designated in Section 2 of Chapter 377, Session Laws of 1925 and such other annual, biennial and perennial plants that grow with crops raised in the field, the garden, the lawn and waste areas throughout this state, causing either damage to crops or interference with travel or other public inconvenience or injurious to public health.

The word “sell” shall be construed as including the offering or exposing for sale or exchange of the prohibited article, the having of any such article in possession with intent to sell or exchange the same, and the storing, carrying or handling thereof in aid of traffic therein, whether done or permitted in person or through others.

The word “germination” shall mean a seed showing growth of a plumule (stem) or a radicle (root) or both these growths which are commonly accepted as evidence that under normal environment would produce a mature plant.

The word "Gothic caps" mean the type or copy with letters the size and character as the following: "TYPE"

The words "pure seed" shall mean agricultural seed exclusive of inert matter and all other seeds not of the kind of seed being considered.

The word "mixture" or "mixtures" shall mean two or more agricultural seeds intermingled in the same container, when each is in excess of five (5) per cent by weight of the whole. Except that in the case of lawn grass the exact percentage by weight of each shall be given.

Sec. 2. (a) Commissioner's duty and authorization.—

The commissioner of agriculture is hereby authorized and it shall be his duty to execute this law and to that end he may make and enforce such rules and regulations as in his judgment shall be necessary. He shall investigate the subject of weed seeds and other matters pertaining to seeds and to that end may require information from county agents, dealers in agricultural seeds, transportation companies, local weed inspectors and experiment stations as to the presence of inert matter and of weed seeds or any other foul seeds and their control in the localities where such officials or persons reside or have jurisdiction. He or his agents or assistants may enter and have free access at all reasonable hours upon and into any premises or structures to make examination of any seeds, whether such seeds are upon the premises of the owner of such seeds or on other premises, or in the possession of any warehouse, elevator or railway or other transportation company and upon the tendering of payment therefor at the current value thereof, may take any sample or samples of such seed.

(b) **Complaints, Hearings, Claims.**—For the purpose of enforcing the provisions of this Act, the commissioner shall have the authority either on his initiative or upon complaint being filed with him for any alleged violation of the provisions of this Act or any rule or regulation issued there-under, or upon information furnished by an inspector of the Department of Agriculture, to hold hearings and conduct such investigations as he may deem advisable. 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 to compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation. He shall have full authority to administer oaths and to take testimony; and may make a report thereon, which report shall be prima facie evidence of the matters therein contained. All parties disobeying the orders or subpoenas issued hereunder by the commissioner

shall be guilty of contempt as in proceedings in district courts of the state and may be punished in like manner.

(c) No action or claim for damages shall be allowed or shall be sustainable against the commissioner or any one acting for him or by his authority in respect to the enforcement of this section.

(d) **Laboratory.**—A State Seed Laboratory shall be maintained for the purpose of examining seeds for specific purity, kinds and amounts of inert matter and of seeds and for making germination tests and any other seed studies deemed by the commissioner as advisable.

(e) **Who may send samples.**—(1) Any person of this state may, in accordance with the rules and regulations of the commissioner and by prepaying the transportation charges and such fees as hereinafter mentioned, send a sample or samples of seed to the State Seed Laboratory or to the commissioner for examination, analysis and determination and receive a report of such examination, analysis or determination when completed. Said report shall constitute and be a certificate of the State Seed Laboratory giving results of such examination, analysis or determination of said seed sample and said certificate shall be presumptive evidence of the facts therein stated.

(2) **Fees.**—(a) The commissioner is authorized and it is hereby made his duty to collect a fee or fees as herein provided for making tests, analysis or determinations of seeds and the amount of such fee or fees shall be received by him before any report of seeds examined shall be given to the person sending the same. Except that any person may send as many as ten (10) such samples during any one year and receive report of same after examination has been made, without paying the required fee. All fees and moneys collected shall be deposited in the State Treasury, as other departmental receipts are deposited, but shall constitute a separate account known as the "Seed Act Account" which is hereby created, set aside and appropriated as a revolving fund to assist in meeting the expense of inspection, laboratory and other services rendered as herein provided.

(b) The fee or fees to be paid as herein referred to shall be twenty-five (.25) cents for each and every germination test.

For pure-seed analysis and determination the fee or fees shall be:

(1) Twenty-five (.25) cents each for wheat, oats, barley, rye, emmer, vetch, buckwheat, sudan grass.

(2) Fifty (.50) cents each for timothy, rye grass, fescues, slender wheat grass, millet, bromus, red clover, alfalfa, alsike clover, sweet clover.

(3) One (\$1.00) dollar each for white clover, all mixtures of clovers, redtop, orchard grass, bent grass.

(4) Two (\$2.00) dollars each for Kentucky blue grass and other blue grasses, all lawn grass mixtures.

For the purpose of carrying out the provisions of this section, the commissioner shall designate the proper charge to be made for seeds not herein mentioned and sent him for test, analysis and determination.

(f) **Violations—Prosecutions.**—When by analysis or otherwise it shall be made to appear that any person has violated any of the provisions of this Act or any rule or regulation issued thereunder, it shall be the duty of the commissioner to notify said person in whose possession the seed in question was found or the owner thereof, if known, and designate a time and place for a hearing for receiving evidence as to such alleged violation. After such hearing or upon failure of said person to appear at the time and place fixed therefor, the commissioner may transmit the facts so found to the Attorney General and it shall be the duty of the Attorney General, or in the discretion of the commissioner, he may act through the county attorney of the county in which said violation was committed, whose duty it shall then be to forthwith institute proceedings and prosecute the same against the person charged with such violation. It is hereby made the duty of the county attorney to prosecute any and all such cases submitted to him by the commissioner or the Attorney General.

Sec. 3. Label—Requirements.—The owner or person in possession of each and every package, parcel or lot of agricultural seed as herein defined, which contains one (1) pound or more of such agricultural seed, whether in package or in bulk, shall affix thereto in a conspicuous place on the exterior of the container of such agricultural seed a written or printed label in the English language in legible type or copy not smaller than eight point heavy Gothic caps; such label shall contain a statement specifying:

(a) **Name.**—The commonly accepted name of the kind or kinds of such agricultural seed; if the name of a special variety or strain of such seed is used, it must be the true name of such special variety or strain.

(b) **Test.**—The approximate percentage germination test made of such agricultural seed together with the date of said test of germination.

(c) **Weed seeds contained.**—The approximate total percentage by weight of weed seeds of all species and the approxi-

mate number in a pound in excess of twenty four in grass, clover and alfalfa seed and in excess of ten in all other agricultural seeds of each of the following weed seeds: Quack Grass (*Agropyron repenes*), Canada Thistle (*Carduus arvensis*), Perennial Sow Thistle (*Sonchus arvensis*), Dodders (*Cuscuta* spp.), Leafy Spurge (*Euphorbia esula*), Ox-Eye Daisy (*Chrysanthemum leucanthemum*), and Buckhorn Plantain (*Plantago lanceolata*).

(d) **Purity.**—The approximate percentage by weight of the agricultural seed exclusive of inert matter, weed seeds and of other agricultural seeds, which are distinguishable by their appearances.

(e) **Where grown.**—If such agricultural seed is grown in this state, the words "grown in Minnesota" and in the case of corn, the name of the county in which grown and if not grown in this state, the name of the state or country in which such corn was grown and in the case of clovers and alfalfa seeds, when any portions thereof are from countries other than the United States, the name of the country where grown and such seeds shall bear the coloring designated by the "Federal Seed Act" of 1912 as amended April 26, 1926.

(f) **Owners name.**—The full name and address of the seedsman, importer, dealer or agent or other person, selling, offering or exposing for sale said agricultural seed. It shall be unlawful for any person to expose seed for sale or any sample representing seed for sale for which ownership or responsibility is not acknowledged.

(g) **Weed seed tolerance.**—It shall be unlawful for any person to sell, offer or expose for sale or distribution in this state or to have in possession with intent to sow, any agricultural seed or mixtures of agricultural seeds for seeding purposes when:

(1) Such agricultural seed contains any one or all of the noxious weed seeds named in Section 3 (c) of this Act, in excess of ninety such weed seeds per pound.

(2) Such agricultural seed contains two or more per cent by weight of all other weed seeds.

(h) The commissioner may fix the weed seed content allowable in the case of any agricultural seeds, when in his judgment the character of such seeds preclude the removal of certain weed seeds to a two per cent basis as defined in (2) of this section.

Sec. 4. (A) Mixtures of Agricultural seeds.—Whenever mixtures of seeds of timothy with alsike clover, with medium red or mammoth clover, with redtop or mixtures of other agricultural seeds are sold, offered or exposed for sale in quantities of one pound or more, such seeds shall be subject

to the requirements of this Act and the rules and regulations of the commissioner governing, unless otherwise provided and shall in addition thereto have printed or copied on the label in eight point Gothic caps, in the English language, stating:

(a) That such seed is a mixture.
(b) The name and approximate percentage by weight of each kind of agricultural seed in such mixture.

(c) The per cent of germination of each kind of agricultural seed, together with the date of such germinations.

(B) **Special mixtures of agricultural seeds.**—Special mixtures of agricultural seed except as specified in Sec. 4 (A) of this Act, when sold, offered or exposed for sale as mixtures, in bulk, packages or other containers of eight ounces or more shall have fixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly printed or written tag or label in the English language in legible type or copy not smaller than eight point Gothic caps stating:

(a) That such seed is a mixture.
(b) The name of each kind of agricultural seed contained therein and the approximate percentage germination.

(c) The approximate total percentage by weight of all weed seeds and except in lawn mixtures, the approximate number of seeds per pound of the noxious weed's seeds listed in Sec. 3 (c) of this Act.

(d) The approximate percentage by weight of inert matter.

(e) The full name and address of the vendor or agent of such seed.

Sec. 5. Exceptions.—Except as herein otherwise provided in Section 3 (g), the provisions of this Act shall not apply:

(a) To any person selling, offering or exposing for sale or in possession of agricultural seeds for the purpose of seeding, except to the ultimate user, when such seed is plainly marked on the label or outside of the container "not cleaned seed" or "uncleaned seed."

(b) To agricultural seeds marked plainly on the label or on the outside of the container, "not cleaned" and held or sold for shipment for recleaning and for shipment outside the state only.

(c) To agricultural seeds when possessed or exposed for sale, as provided by this Act, for food purposes only.

Sec. 6. Imported seeds.—Except as herein otherwise provided it shall be unlawful for any person to import or bring into this state or transport within this state any agricultural seeds unless each and every container of such seeds shall bear a label attached in a conspicuous place on said containers and having written or printed thereon in the English language

in legible type or copy not smaller than eight point Gothic caps, specifying: The kind and varietal name of the seed; the per cent of pure seed; the per cent and date of germination; the state from which said seed is shipped and in the case of corn, the county in which said seed was grown; the full name and address of the person shipping such seed and in all other respects such agricultural seed shall conform to the provisions of this Act and the rules and regulations of the commissioner.

Sec. 7. Duty of transportation company.—In any case of violation of the preceding section, the transportation company, bus company, moving company, corporation or agent thereof, or public carrier of any name or nature shall at once notify the commissioner of such violation citing the circumstances and full particulars thereof and shall unload or hold at the first station within the borders of this state where adequate storage facilities may be had and hold same subject to the instructions of the commissioner.

Sec. 8. Seizure.—The commissioner is authorized and it is hereby made his duty to seize or cause to be seized and held any lot, parcel, package or bulk of agricultural seeds or mixtures of same found in violation of any of the provisions of this Act or any rule or regulation hereunder until the law or such rules and regulations have been complied with or said violation otherwise disposed of as herein otherwise provided, and no action or claim for damage shall be allowed or shall be sustainable against the commissioner or any one acting under his direction or authority in respect thereto.

Sec. 9. Disposal of seized seeds.—The commissioner, upon seizing agricultural seeds as in this Act provided and authorized, shall at once notify the person who was in possession of such seeds or the owner thereof or his agent in charge thereof, of such fact and return said seed to the consignor upon receipt of the expenses as herein set forth and presented to him. Such consignor shall be responsible for all transportation charges and other necessary expenses in handling, storing or caring for said seed and shall return to the purchaser the value of such seed if the purchaser has advanced the payment therefor, provided however, the commissioner shall receive all such costs before such seed is billed for return shipment or delivery thereof. After a period of ten days from the date of notice by the commissioner as herein provided, if said costs are not paid the commissioner may confiscate said seed and destroy or otherwise dispose of it to prevent its use for seeding purposes within this state and the net proceeds, if any, from the sale of such seeds by

the commissioner shall be transmitted to the State Treasurer to the credit of the State Seed Act fund.

Sec. 10. (a) **Penalties for violation.**—Any person who sells, offers or exposes for sale or distribution in this state any agricultural seeds for sowing or planting purposes without complying with the provisions of this Act shall be guilty of a misdemeanor for the first offense and upon conviction shall be fined not less than ten (\$10.00) dollars and the costs of such prosecution, nor more than one hundred (\$100.00) dollars and the costs of such prosecution or in default in payment thereof shall be imprisoned in the County jail for not less than ten nor more than ninety days.

(b) Upon the second or any subsequent conviction such person shall be guilty of a gross misdemeanor and shall be fined not less than twenty-five (\$25.00) dollars and the costs of such prosecution, nor more than five hundred (\$500.00) dollars and the costs of such prosecution or in default in payment thereof shall be imprisoned in the County jail for a period not less than thirty nor more than one hundred fifty days.

Sec. 11. **Biennial report.**—The commissioner shall make a biennial report to the governor of this state, upon the work performed under this Act and shall (make public) publish at least one each year the results of investigations and the examination, analysis and tests of any samples of agricultural seeds or mixtures of same which do not comply with this Act, together with any other information regarding any agricultural seed that he may deem advisable.

Sec. 12. **Law repealed.**—Chapter 141, General Laws 1913 is hereby repealed.

Sec. 13. **Effective July 1, 1927.**—This Act shall take effect and be in force from and after July first, 1927.

Approved April 22, 1927.

CHAPTER 388—S. F. No. 828.

An act to amend Section 4103, General Statutes 1923, relating to prohibited employments of children, and repealing Section 10152, General Statutes 1923.

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

Section 1. **Children under 16—prohibited employments—penalties.**—Section 4103, General Statutes of Minnesota 1923, is hereby amended to read as follows: