

will be endangered by his discharge, then the court shall order his discharge and release from said hospital or asylum, and he shall then be so discharged and released.

Provided, further, that if at such hearing the evidence introduced convinces the court that such person has not wholly recovered, but that no person will be endangered by his release on parole from such hospital or asylum, and a proper and suitable person is willing to take such committed person on parole, and to furnish a home for him and care for and support him, and furnishes a satisfactory bond in such amount and with such terms and conditions as the court may fix, then said court may order the release of such confined person from said hospital or asylum on parole and for such time and upon such terms and conditions as the court may determine and order, and thereupon such person shall be so released from said hospital or asylum and placed on parole with the person named by the court in its order.

Provided, that nothing herein shall be construed as preventing the transfer of any person from one institution to another by the order of the board of control, as it may deem necessary.

Approved April 25, 1931.

CHAPTER 365—S. F. No. 733

An act to amend Sections 5, 6, 8 and 9 of Chapter 108, Laws 1927, relating to the inspection of nurseries and nursery stock and the transportation and sale thereof.

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

Section 1. **Inspection of nursery stock—certificate.**—That section 5 of chapter 108, Laws 1927, be and the same is hereby amended to read as follows:

“Sec. 5. All nursery stock transported from any point or points in the State of Minnesota to other points within the state must be accompanied by a *valid* certificate of inspection on the outside of each package. *All nursery stock sold or offered for sale shall be in a sound healthy condition and shall be stored or displayed under conditions which will maintain its vigor. Nursery*

stock which is dead or so seriously weakened by drying, excessive heat or cold, or any other condition that in the judgment of the state inspector of nurseries or his deputy it will be unable to grow with normal vigor when given reasonable care shall not be sold or offered for sale. It shall be unlawful for any person, firm or corporation to sell or to offer for sale any nursery stock which has not within one year been officially inspected and found free from dangerous insect pests and plant diseases."

Sec. 2. Common carriers must not accept stock not tagged.—That section 6 of chapter 108, Laws 1927, be and the same is hereby amended to read as follows:

"Sec. 6. Railroad and express companies and all common carriers are hereby prohibited from accepting stock not tagged with certificate as above stated and must promptly notify the shipper. If the shipper does not furnish a certificate, such companies shall report said fact with the name and address of party offering said stock for shipment to the state inspector."

Sec. 3. Must obtain dealers certificate before sale.—That section 8 of chapter 108, Laws 1927, be and the same is hereby amended to read as follows:

"Sec. 8. Any person, firm or corporation before offering for sale nursery stock not grown by said person, firm or corporation, must obtain from the state inspector of nurseries a dealer's certificate unless otherwise granted a regular certificate of inspection, such dealer's certificate to be granted to such person, firm or corporation for nursery stock purchased from any inspected nursery or for foreign nursery stock inspected in this state. Such dealer's certificate must be obtained whether or not such nursery stock is actually owned by said person, firm or corporation except that this provision shall not apply to any bona fide agent of a nursery or bona fide agent of a dealer in nursery stock. The certificate or duplicate copy thereof shall be displayed in a prominent manner at each place where such nursery stock is offered for sale. All dealer's certificates shall expire September 15 of each year. The fee for issuing dealer's certificate as provided herein shall be \$10.00 and an additional fee of \$5.00 shall be paid for each additional branch store or other premises where such nursery stock is offered for sale by said person, firm or corporation, except that any landscape gardener or landscape architect before offering for sale such nursery stock shall obtain a dealer's certificate upon payment of a fee of \$5.00. Only such persons, firms or corporations who plant all the nursery stock they furnish or sell to their clients shall be entitled to secure a certificate as a landscape gardener or landscape architect."

"Provided, that before such certificate is granted, the person, firm or corporation requesting the same shall furnish a sworn affidavit that said person, firm or corporation will buy and sell only nursery stock which has been inspected by an official state inspector and that said person, firm or corporation will maintain with the state inspector of nurseries a list of all sources from which nursery stock is secured."

Sec. 4. **Violations—penalties.**—That section 9 of chapter 108, Laws 1927, be and the same is hereby amended to read as follows:

"Sec. 9. Every person who shall violate any of the provisions of this act or of any quarantine order, rule or regulation issued hereunder, or who shall neglect or refuse to comply therewith, or with any notice issued hereunder, shall, except as hereinbefore otherwise provided, be guilty of a misdemeanor, and *his certificate may be forthwith suspended, revoked or cancelled by the state inspector of nurseries upon five days' notice and opportunity to be heard.*"

Approved April 25, 1931.

CHAPTER 366—S. F. No. 759

An act providing for the registration of brands on containers for dairy products; providing for the registration thereof; and providing penalties for violation thereof.

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

Section 1. **Definitions.**—The word person or persons as used in this act shall mean persons, firms, corporations, co-partnerships, associations or agents of any of them.

Sec. 2. **Brands to be registered.**—Whoever operates a creamery, cheese factory, ice cream factory, or cream buying station, or if upon the farm or elsewhere produces milk or cream or any dairy product to be sold for human consumption or to be manufactured into any product or kind of human food, or any dealer in dairy products having in his possession any cans, ice cream containers or other receptacles shall at all times keep all buildings on the premises surrounding or adjacent thereto and all cans, pails and other receptacles, cream separators and other mechanical contrivances used in handling such dairy products or used in the production of