

1934 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1934)
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



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is necessary to protect the health of the domestic animals or poultry of the state. Such quarantine shall be established by the adoption of a resolution declaring such quarantine and specifying the terms, conditions, scope and application thereof, and the publication of such resolution as provided for the publication of rules and regulations promulgated by such Board. (Act Feb. 21, 1933, c. 33, §1.)

5460-18. May not break quarantine.—Upon the establishment of such quarantine, it shall be unlawful for the owner or the person having the custody or control of the animals or poultry subject to such quar-

antine to remove them or any of them from the premises where they first come to rest within the state after the interstate shipment or transportation is completed, until released by authority of the State Live-stock Sanitary Board. (Act Feb. 21, 1933, c. 33, §2.)

5460-19. Violation a misdemeanor.—Any person removing any animal or any poultry while subject to quarantine as herein provided in violation of the provisions hereof, shall be guilty of a misdemeanor. (Act Feb. 21, 1933, c. 33, §3.)

5460-20. Definition.—The word "person" as used herein shall mean any person, firm or corporation. (Act Feb. 21, 1933, c. 33, §4.)

CHAPTER 30A

Inspection of Apiaries

5461. State inspector.—Deputies.

Determination by the appointing power on question of fact as to whether appointee has had such practical experience as to render him eligible as a practical apiarist, will be binding on the courts in the absence of a clear abuse of judicial discretion. Op. Atty. Gen., June 10, 1931.

5471. Compensation of inspector and deputies.

Deputy inspectors are entitled to be reimbursed for expenses incurred in the performance of their duties. Op. Atty. Gen., June 10, 1931.

CHAPTER 31

Inspection of Steam Vessels and Boilers

5474. District boiler inspector—Appointment, etc.

District boiler inspector from 1905 to 1919 was a state employee. Op. Atty. Gen., Oct. 16, 1933.

5475. Who eligible.

A janitor of a school may also be employed as a state boiler inspector. Op. Atty. Gen., Aug. 18, 1931.

5476. Deputy inspectors.

Op. Atty. Gen., Aug. 18, 1931; note under §5475.

5490. District boiler inspector to deliver certificates—fees for inspection.—After examination and tests, if the district boiler inspector shall find 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 such boiler or pressure vessel. The district boiler inspector shall be 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; provided that the fee for inspection of tanks or receptacles containing air under pressure used to inflate rubber tires used on vehicles shall be \$1.00. The fee for the examination for an engineer's license shall be: 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. Which fee shall accompany the application. (R. L. '05, §2184; G. S. '13, §4753; '19, c. 240, §5; Apr. 15, 1933, c. 257.)

Laws 1933, c. 257, amending this section, applies to inspection of air pressure vessels. Op. Atty. Gen., May 2, 1933.

If air tanks are used to inflate tires and also used for other purposes by other connections, boiler inspector is entitled to three-dollar fee. Op. Atty. Gen., Aug. 1, 1933.

DECISIONS RELATING TO VESSELS IN GENERAL

The court's charge that the defendant was not responsible for the arrival of the corn at Buffalo in a damaged condition, unless its negligence caused the damage, was sufficient to relieve defendant of responsibility for damage due to the propensity of the corn to sweat and heat, if the sweating and heating occurred without negligence on its part. *Cargill Grain Co. v. C.*, 182M516, 235NW268. See Dun. Dig. 732(14), 9002.

Unseaworthiness is not confined to faults, or omissions in the construction of the vessel, but may arise out of a fault in the conduct of defendant in relation to the vessel and its equipment, including proper manipulation of hatches to afford ventilation. *Cargill Grain Co. v. C.*, 182M516, 235NW268. See Dun. Dig. 9002.

The damage to plaintiff's property occurred prior to the commencement of the voyage, and the Harter Act (Mason's USCA, Tit. 46, §§190-195), did not apply or relieve defendant of liability. *Cargill Grain Co. v. C.*, 182M516, 235NW268. See Dun. Dig. 9002.

It was defendant's duty as bailee to exercise reasonable care to ascertain the characteristics of the cargo it proposed to store and transport. *Cargill Grain Co. v. C.*, 182M516, 235NW268. See Dun. Dig. 732(10).

In every contract of affreightment by water, unless otherwise expressed, there is an implied warranty of the seaworthiness of the ship, not only of reasonable fitness to meet the ordinary perils of the sea, but seaworthiness as respects the particular cargo to be transported, including stowage as respects seaworthiness in regard to the cargo. *Cargill Grain Co. v. C.*, 182M516, 235NW268. See Dun. Dig. 9002.

The burden of proof was upon the bailee to show itself free from negligence causing damage to a cargo of corn which it stored for the winter in its ship at Milwaukee and transported to Buffalo upon the opening of navigation. *Rustad v. Great Northern Ry. Co.*, 122M453-456, 142NW727, followed and applied: *Cargill Grain Co. v. C.*, 182M516, 235NW268. See Dun. Dig. 732(14), 9002.

Evidence held to sustain finding that negligence of steamship company in ventilation and stowage of corn and its failure to remove snow from deck caused damage to cargo. *Cargill Grain Co. v. C.*, 182M516, 235NW268. See Dun. Dig. 732(14), 9002.