1940 Supplement

To

Mason’s Minnesota Statutes 1927

(1927 to 1940)
(Superseding Mason’s 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

Edited by

William H. Mason

Assisted by

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1940
able length of time; and any operator or owner of such house or building, failing to obey such notice and warning, shall be guilty of a misdemeanor and shall be punished as provided in this Act. (As amended Apr. 22, 1939, c. 404, §15.)

5473-16. May not spray fruit trees with poisonous material.—It shall be unlawful to spray or dust fruit trees which are in full bloom with any poisonous material which is injurious to bees in their eggs, larval or adult stages. (As amended Apr. 22, 1939, c. 404, §16.)

5473-17. Violations—Penalties.—Any person violating any of the provisions of this Act shall be punished by a fine of not more than $500.00, or by imprisonment in the county jail not exceeding one year, or both such fine and imprisonment in the discretion of the court. In addition to the penalties herein provided, bees on combs, used hives or other used apiary appliances brought into this state in violation of the provisions of this Act shall be confiscated and destroyed. (As amended Apr. 22, 1939, c. 404, §17.)

5473-18. Provisions severable.—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged or decreed invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered. (As amended Apr. 22, 1939, c. 404, §18.)

5473-19. Laws repealed.—That Mason's Minnesota Statutes of 1927, Sections 5461, 5462, 5463, 5464, 5465, 5466, 5467, 5468, 5469, 5470, 5471, 5472 and 5473 are hereby repealed. (As amended Apr. 22, 1939, c. 404, §19.)

CHAPTER 31

Inspection of Steam Vessels and Boilers


5483. Horse power is intended to mean manufacturer's rating. Id.

5484. There are no restrictions as to amount of horse power chief engineer may operate. Id.


5490. District boiler inspector to deliver certificates—fees for inspection. After examination and tests, if the district boiler inspector shall find the boiler or 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 and a list of all 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. Fifty 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. (St. L. 5488.)

Landing, however, the owner or lessee of the aircraft forced landing. For damages caused by a forced
out his consent, is unlawful, except in the case of a

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c.

described in Section 4 [§5494-10]. (Act Apr. 17,

1929, §3.)
c.

5404-7. Definitions.—In this act “Aircraft” in-
cludes balloon, airplane, hydroplane, and every other
vehicle used for navigation through the air. A hy-
droplane, while at rest on water and while being
operated by another company, in which plaintiff under-
venced in emergency landing made by a plane owned and
bailee of the damaged property, shall have a lien on
own negligence. The injured person, or owner or

5404-13. State law to govern as to crimes, etc., in
aircraft.—The liability of the owner of one aircraft,
to the owner of another aircraft, or to aeronauts or
passengers on either aircraft, for damage caused by
collision on land or in the air shall be determined by
the rules of law applicable to torts on land. (Act

5404-11. Owners of aircraft liable for injuries.—
The owner of every aircraft which is operated over
the lands or waters of this state is absolutely liable
for injuries or damage to persons or property on the
land or water, or flying, or flight of the aircraft, or the dropping or falling of
any object therefrom, whether such owner was negli-
gent or not, unless the injury or damage is caused in whole or in part by the negligence of the person
injured, or of the owner or bailee of the property
damaged. If the aircraft is leased at the time of the
injury or damage to person or property, both the
owner and lessee shall be liable, and they may be
sued, jointly, or either or both of them may be sued
separately. An aeronaut who is not the owner or
lessee shall be liable only for the consequences of his
own negligence. The injured person, or owner or
bailee of the damaged property, shall have a lien on
the aircraft causing the injury or damage to the en-
tire extent of such injury or damage caused by the aircraft
or objects falling from it. (Act Apr. 17, 1929, c. 219, §5.)

5404-10. Regulation of flight of aircraft.—Flight in
aircraft over the lands and waters of this state is
lawful, unless at such low altitude as to interfere with
the then existing use to which the land or water;
or the space over the land or water, is put by the
owner, or unless so conducted as to be imminently
dangerous or damaging to persons or property law-
fully on the land or water beneath. The landing of an
aircraft on the lands or waters of another, with-
out his consent, is unlawful, except in the case of a
forced landing. For damages caused by a forced
landing, however, the owner or lessee of the aircraft

5404-9. Air rights of surface owner.—The owner-
ship of the space above the lands and waters of this
state is declared to be vested in the several owners
of the surface beneath, subject to the right of flight
described in Section 4 [§5494-10]. (Act Apr. 17,
1929, c. 219, §5.)

5404-8. Sovereignty of air in state.—Sovereignty
in the space above the lands and waters of this state
is declared to rest in the state, except where granted
to and assumed by the United States pursuant to a
constitutional grant from the people of this state.
(Act Apr. 17, 1929, c. 219, §2.)

Flight by aircraft as constituting trespass or nuisance.
UNIFORM STATE LAW FOR AERONAUTICS
CHAPTER 31A
Inspection and Regulation of Aircraft

or the aeronaut shall be liable as provided in Section 5 [§5494-11]. (Act Apr. 17, 1929, c. 219, §4.)

5404-11. Owners of aircraft liable for injuries.—
The owner of every aircraft which is operated over
the lands or waters of this state is absolutely liable
for injuries or damage to persons or property on the
land or water, or flying, or flight of the aircraft, or the dropping or falling of
any object therefrom, whether such owner was negli-
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injured, or of the owner or bailee of the property
damaged. If the aircraft is leased at the time of the
injury or damage to person or property, both the
owner and lessee shall be liable, and they may be
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separately. An aeronaut who is not the owner or
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own negligence. The injured person, or owner or
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the aircraft causing the injury or damage to the en-
tire extent of such injury or damage caused by the aircraft
or objects falling from it. (Act Apr. 17, 1929, c. 219, §5.)

Record held not to disclose a contract between plaintiff
and defendant for special charter of an airplane, and in consequence there may be no recovery for injuries re-
sulting from the joint negligence of a plane owned and operated by another company, in which plaintiff
under-
took the flight. Roberts v. N., 201M89, 275NW410.

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5404-12. State law to govern as to crimes, etc., in
aircraft.—The liability of the owner of one aircraft,
to the owner of another aircraft, or to aeronauts or
passengers on either aircraft, for damage caused by
collision on land or in the air shall be determined by
the rules of law applicable to torts on land. (Act

5404-19. Same—law governing.—All crimes, torts,
and other wrongs committed by or against an aero-
naut or passenger while in flight over this state shall
be governed by the laws of this state; and the ques-
tion whether damage occasioned by or to an aircraft
while in flight over this state constitutes a tort, crime
or other wrong by or against the owner of such air-

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