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.

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feet of floor space; a standard globe valve shall be placed in the steam service line or lines connected to this perforated steam pipe outside of the building, and to be accessible for operation in case of fire. The steam supply for such pipes shall be continually available for service while the plant is in operation, and shall be sufficient to completely fill the room space in less than one minute, and continue the flow of steam sufficient to keep the room space filled with steam for a period of at least thirty minutes.

This section shall not apply to any business or establishment where the dry cleaning or dry dyeing is accomplished by a non-flammable liquid, or liquids having a flash point exceeding 187 degrees Fahrenheit or 86 degrees Centigrade, product or substance.

6001. Use of gasoline engines forbidden in certain cases.—No gas or gasoline engine, steam generator or heating device nor any electrical dynamo or motor except such motors as have been approved as explosion-proof by the State Fire Marshal shall be located, maintained or used inside of, nor within a distance of ten feet of any building used for the business of dry cleaning and dry dyeing as above defined except that an electrical motor may be placed within such ten feet, but not within a solid fireproof wall.

Any dry cleaning or dry dyeing business located in any village or city of the fourth class may install and maintain two 2½-gallon fire extinguishers of anti-freezing liquid, to be approved by and installed as directed by the State Fire Marshal, in lieu of compliance with the provisions of Section 13 of this chapter providing for the extinguishment of fire in such business or establishment. (21, c. 459, §18; Laws 1927, c. 492; Apr. 26, 1931, c. 268.)

6004-1. Must have fire extinguishers.—Any dry cleaning or dry dyeing business located in any village or city of the fourth class may install and maintain two 2½ gallon fire extinguishers of anti-freezing liquid to be approved by and installed as directed by the State Fire Marshal, in lieu of compliance with the provisions of this chapter providing for the prevention of fire in such business or establishment. (Act Apr. 26, 1929, c. 402, §2.)

6012. Separate buildings for gas, etc.—No carbon bisulphide, gasoline, naphtha, benzol or light petroleum or coal tar product used in the dry cleaning and dry dyeing business shall be distilled or reddistilled in connection with the said dry cleaning or dry dyeing business except in a building of fire-proof construction, which building must be located more than fifteen (15) feet from any other building or lot except the buildings used in said dry cleaning and dry dyeing business, unless separated therefrom by an unpierced fire wall. But in no event shall more than two sides of such building have walls without openings. The roof of such building shall be of fire-resistant construction. (As Am. Apr. 14, 1937, c. 225, §6.)

6014. Abandoned buildings.—Should any building, business or establishment of dry cleaning or dry dyeing as herein defined, be discontinued or not carried on in any building which does not conform to the provisions herein set forth, for a period of ninety (90) days, such business shall be considered as having been abandoned, and before the same can again be carried on in such building, the said building must be so constructed, repaired or rebuilt as to conform to the provisions of this act.

The period of ninety (90) days herein stated is not to be construed as such period when the plant is under construction or repair or operated in its regular and usual capacity as a going business. Operation of the plant for short periods of time within the said period of ninety (90) days with the intent to evade the provisions of this section shall be considered as an attempt to interfere with the operation of this act. (As Am. Apr. 14, 1937, c. 225, §7.)

6017. Fire marshals to enforce act. It shall be the duty of the state fire marshal, his deputies and assistants, to enforce the provisions of this act, and he shall have the same power and authority in the enforcement of the provisions hereof as are given to the state fire marshal under the provisions of the state fire marshal law, namely, sections 5129-5166 of the General Statutes of Minnesota, 1913.

They shall administer and enforce the laws relating to the construction, regulation, safety, and operation of dry cleaning and dry dyeing establishments; investigate, ascertain, declare and prescribe what reasonable standards for the adoption of improvements or other means or methods including the prescribing, modifying and enforcement of reasonable orders pertaining thereto, necessary to prevent fires and explosions and for the protection and safety of employees and the public in dry cleaning and dry dyeing establishments, not inconsistent with this act, and in particular, provisions of Mason's Minnesota Statutes for 1927, Section 6013, but such requirements and regulations shall also be required of alterations and changes undertaken by existing dry cleaning and dry dyeing establishments. (As Am. Apr. 14, 1937, c. 225, §8.)

6018. Disposition of fines.—All fees, penalties or forfeitures collected by the state fire marshal, his deputies or assistants under the provisions of this act, shall be paid into the state treasury and be credited to the State Fire Marshal Fund and shall be disbursed in the same manner as other moneys in said fund are disbursed. (As Am. Apr. 14, 1937, c. 225, §9.)


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CHAP. 37-38

Agriculture and Rural Credits

DEPARTMENT OF AGRICULTURE

6023. Creation.

Seed loan for 1937 crop. 28, c. 65. Cook v. T., 274 N.W. 185; note under §6025.

6024. Powers and duties.

(b) Town assessor is entitled to $4.00 for each day's service, including time spent in taking farm census. Op. Atty. Gen., Oct. 15, 1931.


6025. Commissioner of Agriculture to enforce acts.


Duty imposed on commissioner of agriculture, generally to enforce law against wholesale dealers in produce, as in case of one unlawfully doing business without a license, involves exercising such power, and so is not in class of ministerial official duties, nonperformance of which may result in liability to be proximately damaged by nonfeasance. Cook v. T., 274 N.W. 185. See Dun. Dig. 6901.

6029. Attorney general to advise Commissioner.


6030. Definitions.—The following words and phrases in this act shall unless the same be inconsistent with the context be construed as follows:

The word “Department” shall mean the “Department of Rural Credit,” and the word “Conservator” shall mean the “Conservator of Rural Credit.”

The term “bond,” “certificate of indebtedness” and “tax levy certificate” shall include all such evidences of indebtedness issued under authority of this act, whenever issued.

The term “loan” shall mean loans made by the state under authority of this act, and the term “mortgage” shall mean mortgages taken by the state to secure such loans.

Whenever used in this act the masculine gender shall be held to include the feminine gender. ('23, c. 225, §4; Apr. 22, 1933, c. 429, §1.)

6031. Purposes.—(a) The Department of Rural Credit is established by this act, as amended by Article XV of Chapter 426, Laws 1925, in hereafter continued. The rural credit bureau created by said article shall hereafter be known as the Conservator of Rural Credit and shall consist of a single member, chairman, secretary and assistant attorney general heretofore constituting the rural credit bureau are hereby abolished.

(b) The Conservator shall be a person well qualified to perform the duties of the office, shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of six years at an annual salary of $7,000 payable in semi-monthly installments, and may be removed for cause after notice and hearing on the charges made against him. He shall before entering upon his duties take and subscribe the oath prescribed by law and give a bond to the State in the sum of $25,000 or such larger sum as the Governor may at any time determine to be necessary to indemnify the State against loss, which bond shall be conditioned, approved and filed as required by law.

(c) In all matters arising under this act the State may sue and be sued as a natural person. (’23, c. 225, §2; Apr. 22, 1933, c. 429, §2.)

Assistant attorney general member of rural credit bureau established under this act, as organized, authorized to do business in this State, and in any insurance company or association, however organized, authorized to do business in this State by foreclosure or deed, upon such terms and conditions as he shall deem advisable;

6032. Appointment of conservator.—The Conservator shall have the power to provide such furniture, fixtures, stationery and supplies and to employ three assistants at annual salaries not exceeding $3,000 each and such clerks, laborers, and other employees and to engage such legal assistance as are actually necessary for the conduct of the business of said Department, to fix all fees, costs and charges incident to the administration of this act, and to define the duties of the officers, agents and employees of said Department; and all such officers, agents and employees shall be under the direction and authority of said Conservator in all matters not inconsistent with the provisions of this act, and shall give such bonds for the faithful performance of their duties as the Conservator may require. The Conservator shall exercise strict economy in the operation and administration of the Department. (’22, c. 225, §3; Apr. 22, 1933, c. 429, §3.)


6033. Powers and duties of Conservator.—(a) The Conservator shall have power:

(1) To adopt such rules and regulations as may be necessary for the proper conduct of the business of the Department;

(2) To issue certificates of indebtedness and tax levy certificates subject to the limitations of Section 22 of this act, to be issued only by the state of Minnesota, bearing interest at a rate not to exceed 3% per annum, in an aggregate amount not to exceed $60,000,000, said bonds to be issued only for the purpose of refinancing present outstanding indebtedness which is now bearing interest at a considerably higher rate, said bonds to be issued in denominations as the Conservator deems advisable.

(b-a) The State Board of Investment is authorized and directed to sell such securities issued by the Department of Rural Credit, and the Conservator of Rural Credit is authorized and directed to issue bonds payable by the State of Minnesota, bearing interest at the lowest market rate not to exceed 5% per annum for a term of not to exceed twenty years for the purpose of refinancing present outstanding indebtedness; provided, however, the Conservator may refinance 25% of the total authorized indebtedness by issuing short term certificates of indebtedness bearing interest at not to exceed 15% per annum which may be renewed from time to time.

6033. [Repealed.] Subd. (a) (3) is repealed Apr. 22, 1933, c. 358, §2.

To sell, grant and convey to any person, firm or corporation who shall apply therefor a right of way or easement to lay, maintain and operate up pipe lines for the transportation and transmission of gas and other petroleum products over and across such mortgage lands subject to rural credit mortgages, and over and across such mortgage lands acquired by the State by foreclosure or deed, upon such terms and conditions as he shall deem advisable;

To insure buildings and structures upon any such mortgage property acquired by the State against loss by fire, tornado, windstorm and/or hail, in any insurance company or association, however organized, authorized to do business in this State, and to pay the premiums, assessments and dues thereby accruing; and to make such regulations and improvements upon such property as are essential to the operation and preservation thereof;

To do all things that may be necessary and proper in carrying out the provisions of this act.

b. It shall be the duty of the Conservator:

(1) To maintain the office of the Department in the seat of government;

(2) To keep such books and records as are necessary for the conduct of the business of the Department and to keep in his custody all promissory notes, mortgages, securities, evidences of indebtedness, muniments of title, and all other papers, records and instruments of every kind now in the possession of or hereafter received or acquired by the Department.

(3) To diligently collect all moneys due the State under this act and to sell all property acquired by it by virtue of powers granted herein, provided, with a view to the complete and speedy liquidation of the business of the Department.

(4) To promptly meet all obligations of the Department to the end that no default shall occur in the payment of principal or interest on its bonds or certificates.

(5) To submit an annual report to the Governor. (’23, c. 225, §4; ’25, c. 270; Apr. 22, 1933, c. 429, §4; Apr. 25, 1935, c. 298; Apr. 26, 1937, c. 459, §1.)

Bonds can only be issued for total amount of handicaps, real property taken under foreclosure, notwithstanding it amounts to less than $70,000,000. Op. Atty. Gen., Feb. 21, 1937.

Certificates of indebtedness and tax levy certificates hereby authorized are not bonds within limitation as to outstanding bonds which department of rural credits may issue. Op. Atty. Gen., Mar. 24, 1932.

Rural credit bureau has authority to issue bonds to refund maturing bonds. Op. Atty. Gen., June 24, 1933.


Under this section, as amended by Laws 1933, c. 429, 44, commission is not authorized to exchange lands acquired by state under rural credit act for lands within conservation or forest areas. Op. Atty. Gen., Sept. 28, 1934.


Conservator of rural credit has authority to loan money to tenants on foreclosed lands to be used to buy seed to be planted on such land provided he take security in the way of notes or contracts. Op. Atty. Gen. (770c), June 24, 1935.

Conservator of rural credit department, as owner of farm marketing grain, may accept membership in co-operative grain elevators from grain held on farms purchased with federal land bank bonds. Op. Atty. Gen. (770c), Sept. 9, 1934.


Conservator may decide whether department of rural credit shall be assigned space in state office building and whether there shall be a rental charged, and if he decides that it should take space from private party, consents to be assessed by private party from proceeds of department. Op. Atty. Gen. (770c), May 30, 1937.

Department may not pay rent for conservator for use as offices must be located in St. Paul. Id.


Department may cancel all bonds acquired by it prior to maturity and make final entry in books of money paid as premium. Op. Atty. Gen. (770g) Dec. 29, 1937.


Under this section, as amended by Laws 1933, c. 429, conservator may waive enforcement of mortgage lien for the payment of interest unless it is made in connection with transfer of right of ownership of an adjoining farm owned by state upon which there are no buildings. Op. Atty. Gen. (770c), April 4, 1938. (41)


Proceeds from sale of land, including earnest money down payment, should be paid into rural credit fund, and refund of earnest money may be made therefrom. Op. Atty. Gen. (770d), Oct. 15, 1937.

6035. [Repealed].

Repealed Apr. 22, 1939, c. 429, §20, effective July 1, 1939. See 16057-1/4, post.

6036. State Treasurer to be custodian of funds.—

All moneys of the Department, whether resulting from the sale of certificates or otherwise, shall be paid into the state treasury and be disbursed by the controller of the Corporation in the same manner as other state funds are disturbed. The auditor and treasurer shall keep separate account of said moneys as herein provided. Proceeds from the sale of certificates of indebtedness and tax levy certificates when issued to provide money for the payment of maturing bonds and certificates of indebtedness, and payments of principal of loans, shall be credited to a Rural Credit Fund. The Conservator shall determine and set apart the proportion of interest collected on unpaid bonds which shall be, as near as practicable, the difference between the interest paid by the state for money borrowed on its bonds and the interest paid by the borrower. The interest set apart for such purpose, and all fees and other receipts in connection with the mortgage and other loans, shall be credited to a Rural Credit Expense Fund. All interest collected and not credited to the Expense Fund shall be credited to a Rural Credit Interest Fund. The division of interest collected as herein provided shall be made at least once each month. Proceeds from the sale of certificates of indebtedness issued to provide money for the payment of interest, shall be credited to the interest Fund. All administrative expenses shall be paid out of the Expense Fund; all maturing bonds and all maturing certificates of indebtedness issued to provide money for the payment of the principal of bonds and certificates shall be paid out of the Rural Credit Fund. All interest obligations and all maturing certificates of indebtedness issued to provide money for the payment of interest shall be paid out of the interest Fund. Laws 1933, c. 429, §§5, 17, 25, c. 244, §1; Apr. 22, 1939, c. 429, §6.

Under Laws 1933, c. 420, amending this section a clearing account carried with bank pending collection and checks of checks drawn on such account shall be applied by conservator for transfer to state treasurer but not to pay expenses of department. Op. Atty. Gen. (770d), May 13, 1938.

Proceeds from sale of land, including earnest money down payment, should be paid into rural credit fund, and refund of earnest money may be made therefrom. Op. Atty. Gen. (770d), Oct. 15, 1937.

6037. [Repealed].

Repealed Apr. 22, 1933, c. 429, §20, effective July 1, 1933. See 16057-1/4, post.

6038. Assumption of mortgage by purchaser of land—acceleration of maturity—Interest, Insurance, taxes and repairs—Impairment of mortgage.—a. In case of the sale of the mortgaged land the Conservator may permit said mortgage of the vendor to be assumed by the purchaser thereby becoming the mortgagor. In case the mortgagor shall vacate or cease to occupy and use in good faith for the purposes specified in this act such mortgaged land without written permission of the Conservator, and the security thereby is impaired, the Conservator may at his option declare the whole amount of the loan thereon to be due and payable, provided there is a default in payment according to the terms of the loan or failure of payment of taxes on the land mortgaged.

b. Every borrower shall pay simple interest on defaulted payments at the rate of seven per cent per
annum and by express covenant in his mortgage deed shall pay when due all taxes, liens, judgments, assessments and insurance, which may be lawfully assessed against the mortgaged land; and by such covenant shall agree to and shall keep insured against fire and every risk of loss or damage to such mortgaged land, or any insurance company or association, however organized, authorized to do business in this state, to the satisfaction of the Conservator all buildings, the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee, as its interest may appear. In the event of loss, or damage to the real estate or buildings under foreclosure proceedings or by deed in lieu of foreclosure, the Conservator, and, when any buildings shall not be insured or kept insured as aforesaid, the Conservator, at his option, may obtain such insurance insurance and pay the cost thereof, and any payments by the Department for any of the purposes aforesaid shall be paid from the Rural Credit Fund, and all disbursements in connection with such real estate after such date shall be paid from the Rural Credit Fund. Provided disbursements for building and other improvements of a permanent nature shall be paid from the Rural Credit Fund.

C. No loan or mortgage securing same shall be invalidated or be set aside by reason of any act of any agent of said Department in excess of his powers herein granted or in any limitation thereon or in excess of the powers granted by said Conservator. ('23, c. 225, §9; pars. b, h, and i by '25, c. 244, §2; pars. e and g by '25, c. 228, §2; pars. g and i by Act Apr. 27, 1929, c. 241, §2; pars. f, i and r by Act Apr. 22, 1933, c. 429, §7.)

Act Apr. 22, 1933, c. 429, §7, repeals subdivisions a, b, c, d, e, f, g, h, i, j, and k of Act Apr. 29, 1935, c. 423, and amends subdivisions a, b, and j as read above.


6030. Satisfaction of mortgages. — When the mortgage or his successor in interest has fully paid any mortgage, it shall be the duty of the Conservator to furnish him with a proper release or satisfaction of said mortgage excepted in the name of the state by him and attested by his official seal, and the mortgage papers belonging to said loan including abstract of title and insurance policies assigned, shall be returned to the mortgagor and the mortgagee. Said satisfaction may be made by a borrower under the provision of this act the Conservator shall furnish the payee with a receipt showing the nature of such payment and the date on which interest was paid and the balance of the principal remaining unpaid. ('23, c. 225, §10; Apr. 22, 1933, c. 429, §8; Apr. 29, 1935, c. 367.)

The title to Act Apr. 29, 1935, cited, purports to amend sections 8 and 9 of chapter 429 of the session laws of 1935, while the enacting parts of the amendatory act sections 8 and 9 of chapter 429 of the session laws of 1935, while the enacting parts of the amendatory act are printed as if they were part of the amendment. Op. Atty. Gen. (770c), June 6, 1936.


Conservator has right to treat delivery of federal land bank bonds at their face value in an amount equivalent to full indebtedness as payment in full of mortgage. Op. Atty. Gen. (770b), Apr. 20, 1924.

Conservator should not turn federal land bank bonds taken in payment of rural credit mortgages over to the state treasurer but should keep them in his custody until they are disposed of and converted into cash. Crop payment plan is not repealed by Laws 1927, c. 454. Op. Atty. Gen. (770b), July 7, 1935.

6030-1. Compositions with mortgagees — Application to district court — Review. — Whenever the Conservator upon his own initiative or upon an application by a mortgagee is of the opinion that real estate held as security by the State of Minnesota is worth less than the amount due on the indebtedness secured by the same, and the Conservator is able to liquidate said indebtedness by a satisfactory cash settlement, he shall present a verified petition to the Judge of the District Court of the County where such lands are located setting forth the facts, and said judge, if satisfied that it is for the best interest of the state, may hear such petition, either with or without notice, and make his order granting such petition, and authorizing the Conservator to compromise said indebtedness as requested in said petition. Said petition shall be verified by the Conservator and shall contain a complete recital of all the material facts, including an appraisal of the premises in question, made under the direction of the Conservator, and not paid when due, may be paid by the mortgagee at the option of the Conservator, and, when any buildings shall not be insured or kept insured as aforesaid, the Conservator, at his option, may obtain such insurance and pay the cost thereof, and any payments by the Department for any of the purposes aforesaid shall be paid from the Rural Credit Fund, and all disbursements in connection with the real estate under foreclosure proceedings shall be paid from the Rural Credit Fund, and all disbursements in connection with such real estate after such date shall be paid from the Rural Credit Fund. Provided disbursements for building and other improvements of a permanent nature shall be paid from the Rural Credit Fund.

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Conservator possesses power with approval of district court to effect payment and to issue assignments of share of certificates where amount paid is less than the amount of indebtedness. Op. Atty. Gen. (770c), June 6, 1935.
6039-2. Same—Chattel mortgage on crops—Default.—But if the mortgagor cannot liquidate his indebtedness by a cash settlement, and the Conservator shall determine that the current earnings of a certain tract of land held as security by the State of Minnesota, the major portion of which is in productive land, is not sufficient to maintain the farm and to liquidate the annual taxes, interest and late charges, then in such case the Conservator may in his discretion enter into an agreement with the borrower for a period not exceeding five years, whereby the borrower agrees to turn over to the Conservator all crops delivered to the Conservator in such a manner as to accept, the full and complete annual installments of interest and principal, one-third of all crops raised on said premises during the crop year during which said interest and principal installments will be due, and in addition said borrower shall agree to pay the real estate taxes duly levied and assessed against said premises during said year and keep said premises in repair and fully insured against fire and tornadoes, and upon a failure of the borrower to pay the real estate taxes duly levied and assessed against said premises during said year and keep said premises in repair and fully insured against fire and tornadoes, and upon a full and complete accounting and delivery by the borrower to the Conservator, at a place designated by the Conservator, of one-third of all crops raised on said premises, the Conservator shall apply said amount so received in the following manner: In the first place, the Conservator shall pay the amount equal to the reasonable long term contract of the crop so delivered to the Conservator shall be insufficient to pay said amount of interest, the Conservator shall have a right to receive one-third of the annual crop so delivered to the Conservator shall have a right to receive one-third of the annual crop unless such collateral is sufficient to pay the full amount accrued against it and that further loss to the State would probably result if it be not sold. Said payments shall all be secured by a chattel mortgage on the entire crop, but the Conservator is authorized, whenever he deems it necessary in the interests of the borrower, to permit the borrower to use such portion of the crop so mortgaged to the State of Minnesota, as may be necessary for seed and feed.

Should the borrower fail or neglect to keep premises in repair and/or pay said taxes or insurance premiums on said premises whenever the same become due, or should he fail or neglect to promptly make and furnish to the Conservator a full and complete accounting and delivery of all crops so raised on said premises, the Conservator shall have the right to sell said crops by public auction or by private contract for the full amount accrued against it and that further loss to the State would probably result if it be not sold. Said payments shall all be secured by a chattel mortgage on the entire crop, but the Conservator is authorized, whenever he deems it necessary in the interests of the borrower, to permit the borrower to use such portion of the crop so mortgaged to the State of Minnesota, as may be necessary for seed and feed.

Should the borrower fail or neglect to keep premises in repair and/or pay said taxes or insurance premiums on said premises whenever the same become due, or should he fail or neglect to promptly make and furnish to the Conservator a full and complete accounting and delivery of all crops so raised on said premises, the Conservator shall have the right to sell said crops by public auction or by private contract for the full amount accrued against it and that further loss to the State would probably result if it be not sold. Said payments shall all be secured by a chattel mortgage on the entire crop, but the Conservator is authorized, whenever he deems it necessary in the interests of the borrower, to permit the borrower to use such portion of the crop so mortgaged to the State of Minnesota, as may be necessary for seed and feed.

Should the borrower fail or neglect to keep premises in repair and/or pay said taxes or insurance premiums on said premises whenever the same become due, or should he fail or neglect to promptly make and furnish to the Conservator a full and complete accounting and delivery of all crops so raised on said premises, the Conservator shall have the right to sell said crops by public auction or by private contract for the full amount accrued against it and that further loss to the State would probably result if it be not sold. Said payments shall all be secured by a chattel mortgage on the entire crop, but the Conservator is authorized, whenever he deems it necessary in the interests of the borrower, to permit the borrower to use such portion of the crop so mortgaged to the State of Minnesota, as may be necessary for seed and feed.

These premises shall be sold upon the approval of such sale by a judge of the District Court of Ramsey County, Minnesota, in the same manner as provided by Section 10A (6040-1), hereinafter stated.

If a former owner desires to repurchase a farm herefore mortgaged by him to the State of Minnesota and acquired by the State, either through mortgage foreclosure or by the Conservator, the Conservator is hereby authorized to sell said farm for an amount equal to the reasonable long term contract of the same, on a crop payment plan as provided in Section 10B (6039-2), hereinafter stated, provided the state is still the owner of said farm and has not conveyed the same either by deed or by contract for deed.

In such cases the former owner shall make application in writing to the Conservator for the purchase of said farm, stating whether or not he desired to buy the same on a crop share payment plan, and after the filing of said application the Conservator shall not consider bids from other prospective purchasers until the state has first disposed of said application either by accepting or rejecting the same.

Should the former owner not avail himself of the crop payment plan, as provided in Section 10B hereinafter stated, the Conservator is hereby authorized to sell said farm for sale on a crop payment plan within thirty days after being in forma stated, with a down payment of at least thirty percent, to any bona fide farmer who, in his opinion, is capable of operating said farm in a good and husbandlike manner, for an amount equal to the reasonable value of the same. No crop payment contract is assignable, except in case of death or incapacity of the wife, unless the said farm is mortgaged, conveying only to one or more of the immediate heirs, providing however, said heir or heirs are bona fide farmers, subject only to the consent of the Conservator.

c. All contracts for the sale of property and all conveyances thereof shall be executed in the name of the State by the Conservator and attested by his official seal, and all mortgages or other security taken in connection therewith shall run to the State of Minnesota.

d. All sales and compromises in connection with the crop payment plan must be approved by the judge of the district where the farm involved is located."

6046. Title to property to run to the state of Minnesota.—a. The title to all property taken by the Department shall run to the State of Minnesota.

b. The property, real, personal and mixed, accepted by the Department shall be sold by the Conservator at its fair value at time of sale, in such manner and on such terms as may be provided by the regulations adopted by him. In making sales of real estate the Conservator shall have regard for the state of the market and shall make sales thereof in such manner and at such times as not to depress unduly the market for farm lands in the district where the property is located, and give such notice of sale as in the judgment of the best interests of the State and of the public will be served thereby, defer such sales until such time as they may be made without undue loss to the State or undue impairment of the market value of farm lands within the State. No land shall be sold by the Conservator at a price less than one-third of the annual crops raised on said premises, the Conservator shall have the right to sell said crops by public auction or by private contract for the full amount accrued against it and that further loss to the State would probably result if it be not sold.

e. Conservator of rural credit may compromise contracts conducted by the Department, and make sales of property without the lien of said mortgage with the approval of said mortgagee. Laws 1933, c. 131, § 2.

f. Conservator of rural credit may compromise contracts conducted by the Department, and make sales of property without the lien of said mortgage with the approval of said mortgagee. Laws 1933, c. 131, § 2.

As to title to real estate, see note under §6040. Conservator of rural credit may buy and sell real estate and pay commissions for its sale. Laws 1929, c. 309.

Conservator of rural credit may compromise contracts conducted by the Department, and make sales of property without the lien of said mortgage with the approval of said mortgagee. Laws 1933, c. 131, § 2.

Specific performance will not be granted of a contract to purchase a farm which was foreclosed thereon or foreclosed with the conservator of rural credit where the
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negotiations fail by the conservator's exercise of his power under party's
renegotiations set forth before disposing of plaintiff's offer to repurchase, if true, does not entitle the latter to a decree for a contract since the purchaser is only entitled to repurchase his bid disposed of under this section and is not to consider it a contract which can be had only by agreement with the conservator. Id. See Dunn. Dig. 878.

The conservator's consideration in violation of the statute of other bids before disposing of plaintiff's offer to repurchase, if true, does not entitle the latter to a decree for a contract since the purchaser is only entitled to repurchase his bid disposed of under this section and is not to consider it a contract which can be had only by agreement with the conservator. Id. See Dunn. Dig. 878.

Department of rural credits may sell real estate at an amount less than full amount and against, provided bureau shall determine that such cannot be made for valid reasons, the Department is unable to sell its property of the state, in the manner of such loan and the accrued interest thereon, for the payment of $1,250,000 in bonds and certificates of indebtedness maturing in February and March, provided, however, that the payment of $1,250,000 in bonds and certificates of indebtedness maturing in February and March, 1935, and the interest thereon the Conservator shall during the year 1934 issue tax levy certificates in the amount of such principal and interest and the State Auditor shall levy a tax therefor payable in the year 1935. Such tax levy certificates shall mature at the earliest practicable date and be sold in the manner as other certificates issued by the Department. Upon the legislation of the Department shall certify the amount thereof and the maturity dates to the State Auditor, who shall thereupon make a tax levy against all the taxable property of the state, in the same manner as other taxes are levied, in an amount sufficient to pay said certificates at maturity together with thereon.

The moneys derived from said tax levy shall be credited to the appropriate fund or funds and shall be applied to the payment of the deficiencies on account of which they were issued. Payment of interest falling due upon said certificates together with the collection of said tax levy shall be made from the Rural Credit Interest Fund. The Conservator may direct the State Auditor to cancel any tax levy prior to the date of certifying same to the several county auditors, if money is available in the proper fund or funds, for the payment of said tax levy certificates. If a tax is ordered cancelled subsequent to the issuance of tax levy certificates a summary necessary to pay said certificates at maturity shall be set aside from any available money in the proper fund, or funds, for the payment of said tax levy certificates.

The tax levy certificates shall be sold in the manner as other taxes are levied, in an amount sufficient to pay said certificates at maturity together with thereon.

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The tax levy certificates shall be sold in the manner as other taxes are levied, in an amount sufficient to pay said certificates at maturity together with thereon.
6045. Administrative expenses.—The Department may transfer from the Expense Fund to the Rural Credits Interest Fund any surplus not required for administrative expenses. Temporary loans also may be made from the Expense Fund to meet maturing obligations to be paid out of the Rural Credit Fund or the Rural Credit Interest Fund, such loans to be returned as soon as practicable. The Department shall from time to time set aside from the interest or expense fund any surplus not required for the payment of operating expenses, interest, or outstanding claims. Such surplus shall be credited to a Rural Credit Reserve Fund. Said fund shall, upon request of the bureau, be invested by the state board of investment in the same class of securities in which the trust funds of the state may be invested. Said board shall have authority to sell any securities purchased for said fund, when authorized by the Conservator, for the purpose of providing funds with which to pay maturing bonds, or interest upon outstanding bonds, or to make up any loss resulting from the operations of the Department, or for purchase of other securities. Said loans issued by such fund shall be a charge against the reserve fund and all profits resulting from the sale of real estate acquired through foreclosure proceedings or otherwise, after deducting accrued interest and expenses, shall be credited therefor. All losses upon loans in said reserve fund shall be credited to such fund and become a part thereof. The Conservator may authorize the state board of investment to invest for short periods any temporary cash surplus in the Rural Credit fund, such investment to be restricted to United States Government or standing bonds, or to make up any loss resulting from any foreclosure sale of federal land bank bonds received in payment of rural credit mortgages should be charged against the Rural Credit Reserve fund and all profits therefrom credited thereto. Lessees are not subject to federal documentary stamp tax. Op. Atty. Gen. (770E), Dec. 20, 1933.

6046. [Repealed]. Repealed Apr. 22, 1933, c. 429, §20, effective July 1, 1933. See §6057-4, 183.

6047. Mortgages, loans and lands to be held as security for bonds. [Repealed.] Amended Apr. 22, 1933, c. 429, §12.

6048. All property shall be exempt from taxation.—All mortgages, real estate and other property owned and held by said Department in its business of loaning and all certificates or bonds issued by said Department in the transaction of the business shall be free from all general taxes, state, county, and municipal, and shall not be subject to State Income Tax. Such mortgages shall be exempt from any registration tax. (23, c. 225, §16; '25, c. 244, §6; Apr. 22, 1933, c. 429, §11.)

6049. Deficiency judgments on state mortgages prohibited.—The department of Rural Credit, under the supervision and control of the Rural Credit Bureau, is hereby directed in case of foreclosure of any real estate mortgage acquired by the state through the operations of said department to bid the full amount due the state at any mortgage foreclosure sale. Hereafter any judgment shall be taken by the state for any deficiency remaining unpaid after the debt secured by such a mortgage has been foreclosed. (Act Apr. 15, 1933, c. 247.)

6049-1. Extension of payments on rural credit mortgages.—Any owner of real estate on which state of Minnesota, Department of Rural Credit holds a mortgage, may make verified application to the Conservator of said department of Rural Credit asking that said department refrain from the collection of installments now past due, or which may become past due, prior to November 1, 1927, but in no event until after said installment or installments shall have become due, on said mortgage foreclosure sale. Hereafter any judgment shall be taken by the state for any deficiency remaining unpaid after the debt secured by such a mortgage has been foreclosed. (Act Apr. 15, 1933, c. 247.)
The conservator of Rural Credit shall have the right, in any case where he considers it necessary, in the interest of the applicant, upon application from him to permit the applicant to use such portion of any crop mortgaged to the state, as the conservator shall consider necessary, for seed and feed purposes. (Act Apr. 22, 1935, c. 403, §1; Apr. 29, 1935, c. 341, §5.)

The title of Laws 1933, c. 403, declares that its purpose is to grant a "three" year extension while the body of the act limits the extension to two years.


On extension of installments, interest should be computed at rate of 7% on past due suspended installment. The date or dates of installment becoming due, or any installment originally due, before loan date or date of granting of application and from and after date of granting or application to date when installment becomes due, interest should be charged only on that part of installment which remained unpaid of said installment. Op. Atty. Gen. (770e), June 13, 1934.

Past due installments on mortgages may be extended without current interest. (Act Apr. 26, 1937, c. 465, §3.)

Conservator may grant a five and one-fourth percent rate of interest on state advances for taxes and insurance only to borrowers who make application under §6049-5, but must charge 7% to those borrowers who may make application after June 7, 1935. Op. Atty. Gen. (770e), June 7, 1935.

An owner of real estate on which state holds a rural credit mortgage, to whom an extension has been given under Laws 1935, c. 341, has a contract right with which legislation cannot interfere, but since the contract rights are incompatible with provisions of Laws 1937, c. 465, and laws passed before the expiration of the term of the mortgage, it is impossible to make consistent. If he desires to avail himself of advantages of such c. 465. Op. Atty. Gen. (770e), May 5, 1937.

Extension revoked in certain cases.—Should the owner of said real estate fail to pay the taxes and insurance on said premises, or fail to pay installments thereafter to become due, or commit or permit waste or deterioration thereof, or fail to execute and deliver to the state a mortgage or mortgages on crops and furnish crop reports as specified in section 1 thereof, during the said period of extension, the conservator of Rural Credit shall have the right to revoke such extension and to re-require performance and enforce the terms of the mortgage. Upon the commencement of proceedings to foreclose any mortgage, where an extension of payments has been granted, and the mortgagee-applicant has obtained an order of the county court of the county wherein the mortgaged real estate is situated for an order restraining said foreclosure, setting forth that he has lived up to the terms of the extension agreement, and should the court find and adjudges that said mortgagee has substantially lived up to the terms of the extension agreement, the court shall order the discontinuance of said foreclosure. After the filing of said verified petition, and during the pendency of said cause, all proceedings for the foreclosure of said mortgage shall be held in abeyance until the final determination of the court. (Act Apr. 22, 1933, c. 403, §2; Apr. 29, 1935, c. 341, §2.)

Payment of unpaid installments, taxes and insurance.—The unpaid installments, and taxes and insurance advanced or paid by the state, which may be extended, shall be paid by pro rata and adding the same to installments due after November 1, 1937. (Act Apr. 22, 1933, c. 403, §3; Apr. 29, 1935, c. 341, §3.)

Interest waived in certain cases.—From and after the passage and approval of this act interest may be paid by every borrower of the department of Rural Credit on defaulted installments of interest, which have not been hereinbefore provided for, may be waived for a period of not to exceed one year; provided, however, that said interest shall not be waived unless the borrower, at the time said installments become delinquent, makes an application to the department of Rural Credit requesting that said interest be waived and offering to furnish the department of Rural Credit with a first mortgage on the crops to be raised on the premises secured by the state mortgage advanced by the state of Minnesota, during the year following the date said application is made; provided further that in such case the department of Rural Credit shall charge interest during said year at the rate of five and one-fourth per cent per annum on all delinquent installments of principal, and at the rate of five and one-fourth per cent on all moneys advanced by the department of Rural Credit for the payment of taxes and insurance premiums.

The conservator of Rural Credit shall have the right, in any case where he considers it necessary, in the interest of the applicant, upon application from him to permit the applicant to use such portion of any crop mortgage to the state, as the conservator shall consider necessary, for seed and feed purposes. (Added by Act Apr. 29, 1935, c. 341, §.)

Conservator may grant a five and one-fourth percent rate of interest on state advances for taxes and insurance only to borrowers who make application under §6049-5, but must charge 7% to those borrowers who may make application after June 7, 1935. Op. Atty. Gen. (770e), June 7, 1935.

Rate of interest on rural credit mortgages and contracts for deed: re-writing outstanding contracts.—The rate of interest on all outstanding mortgages and contracts for deed held by the Department of Rural Credit is hereby reduced to four (4%) per cent per annum from and after the adoption of this act. The Conservator of Rural Credit is authorized and directed to re-write present outstanding mortgages or contracts for deed or make proper endorsement thereon to give effect to this reduction in interest rate, and in re-writing the same or in making endorsements thereof shall add to the principal thereof of any delinquent interest so that such rate of interest shall apply to the unpaid principal of mortgaged real estate only to borrowers who make application under §6049-5, but must charge 7% to those borrowers who may make application after June 7, 1935. Op. Atty. Gen. (770e), July 14, 1937, Sp. Ses., c. 17, §1.

Principal may be added to unmortgaged principal as provided in subsequent acts. Op. Atty. Gen. (770e), August 26, 1937, c. 465, §1; July 14, 1937, Sp. Ses., c. 17, §1.)

Rate of interest on defaulted payments.—The rate of interest on defaulted payments on such mortgages or contracts for deed held by the Department of Rural Credit shall be five (5%) per cent per annum from the date of default. (Act Apr. 26, 1937, c. 465, §2; July 14, 1937, Sp. Ses., c. 17, §2.)

Rate of interest on taxes, liens, judgments, assessments, or insurance paid.—The rate of interest on taxes, liens, judgments, assessments or insurance paid by the Department of Rural Credit or the Conservator thereof on any lands against which such Department hold mortgages or contracts for deed shall
hereafter be five (5\%) per cent per annum. (Apr. 26, 1937, c. 465, §3; July 14, 1937, Sp. Ses., c. 17, §5.)

6040-9. Same; other statutes amended.—All statutes prescribing any different rate of interest for such mortgages, contracts, taxes, liens, judgments, assessments or insurance are hereby amended to conform hereto. This enactment is effective May 5, 1937.

6040-10. Transfer of funds; amount; effective date.—The Conservator is hereby authorized to transfer back to the Rural Credit Expense Fund such moneys heretofore transferred from the Rural Credit Expense Fund to the Rural Credit Interest Fund, as may be needed for administrative expenses; provided, that the amount so transferred shall not exceed $500,000 and shall be transferred in such amounts as may from time to time be necessary.

This act shall take effect and be in full force from and after its passage. (July 14, 1937, Sp. Ses., c. 17, §5.)

6050. Interest on deposits.—Interest shall be allowed upon any moneys in the funds of the Department at the rate received by the state from its depositories. The Conservator shall have authority to disburse into amount of moneys in the Department funds which shall be kept in active depositories and the amount in inactive depositories. As soon as practicable after the state has collected interest for any stated period, the state treasurer shall credit the Interest Fund the amount of interest due and make a statement thereof to the Department. (23, c. 225, §21; 25, c. 244, §8; Apr. 22, 1933, c. 429, §15.)

6051. Clerical assistants in auditors and treasurers office.—If it shall become necessary to employ additional clerical assistance in the office of the State Auditor or State Treasurer by reason of additional duties imposed upon said offices by this act, the actual expense thereof shall be charged to and be borne by the Department in such amounts as from time to time may be ascertained and certified in writing by such officers and approved by the Conservator. (23, c. 225, §22; Apr. 22, 1933, c. 429, §16.)

6052. Surety bonds.—Whenever a bond or undertaking is required by this act or by the Conservator to be given, it shall be held to mean a surety bond furnished by a surety company authorized and qualified to do business in this state. Such bonds shall run to the State of Minnesota, shall be as nearly as applicable in the form prescribed by the laws of this State and the form thereof shall be approved by the Attorney General. (23, c. 225, §23; Apr. 22, 1933, c. 429, §17.)

6053. Cost to be borne by Department.—The cost of surety bonds provided by this act, furnished by the officers or employees of said Department, shall be a part of the general expense of administration and paid by the Department. (23, c. 225, §24; Apr. 22, 1933, c. 429, §18.)

6054. [Repealed].

Repealed Apr. 22, 1933, c. 429, §20, effective July 1, 1933. See §6057-\(\frac{1}{2}\), post.

6055. Sums reappropriated.—Any sums received and paid into the state treasury under any of the provisions of this act are hereby appropriated and made available for disbursement for the purposes and in the manner provided herein. (23, c. 225, §25; Apr. 22, 1933, c. 429, §19.)

6056. [Repealed].

Repealed Apr. 22, 1933, c. 429, §20, effective July 1, 1933. See §6057-\(\frac{1}{2}\).
tion, either with or without notice, and make his order granting such petition, and authorizing the Conservator of Rural Credit to compromise said indebtedness as requested in such petition, shall be verified by the Conservator of Rural Credit and shall contain a complete recital of all the material facts. The court may require the contract purchaser to be present when said matter is being considered. (Act Mar. 30, 1939, c. 15, §6079. Declaration of policy.)

THE CO-OPERATIVE MARKETING ACT


6081. Who may organize. Members of a native co-operative marketing corporation others have right of common law to inspect books, records and papers of corporation in proper cases and under reasonable circumstances. State v. St. Cloud Milk Producers' Ass'n, 200M3, 273NW603. See Dun. Dig. 2070. A foreign cooperative marketing association may be organized by one cooperative marketing association with other cooperative associations. Op. Atty. Gen. (93a-14), Sept. 15, 1934.

6082. Powers. A creamery corporation may not enter into an agreement with cooperative marketing association to fix the price of milk, but such a contract may be entered into by one cooperative marketing association with other cooperative associations. Op. Atty. Gen. (93a-14), Apr. 5, 1935; note under §6086.

6085. Articles of incorporation. (a) Articles of incorporation shall be signed by all members of association. Op. Atty. Gen. (93a-2), Apr. 5, 1935; note under §6086

6086. Amendments to articles of incorporation. Amendments to articles, including provision (f) of §2056, which is made a part of the articles for the first time, must first be approved by two-thirds of directors and by the members of association, unless otherwise provided in said articles. Op. Atty. Gen. (93a-2), Apr. 5, 1935. See Dun. Dig. 2070.

6087. By-laws. (1) Members of a nonstock co-operative marketing corporation have right of common law to inspect books, records and papers of corporation in proper cases and under reasonable circumstances. State v. St. Cloud Milk Producers' Ass'n, 200M1, 273NW603. See Dun. Dig. 2070. Power to expel members and stockholders from a corporation exists in virtue of articles under which corporation is organized, or its articles of incorporation; and, when the right exists, it is in membership and can be exercised by board of directors only when it has been delegated to board pursuant to statute or articles of incorporation. Op. Atty. Gen. (93a-2), Apr. 5, 1935.

6096. Annual reports. Members of a nonstock co-operative marketing corporation have right of common law to inspect books, records and papers of corporation in proper cases and under reasonable circumstances. State v. St. Cloud Milk Producers' Ass'n, 200M1, 273NW603. See Dun. Dig. 2070.

6104. Misdemeanor—Breach of marketing contract, etc. Whether suggestion to members of co-operative that another co-operative can handle milk with larger return to members in attendance to breaking contract, is a question of fact. Op. Atty. Gen. Feb. 25, 1930.

6106. Association not in restraint of trade. A creamery corporation may not enter into an agreement with cooperative marketing association to fix the price of milk, but such a contract may be entered into by one cooperative marketing association with other cooperative associations. Op. Atty. Gen. (93a-11), Sept. 15, 1934.

ACCOUNTING OF CO-OPERATIVE ASSOCIATIONS


6124. Appropriations to be expended by, etc. Funds provided for the maintenance of county co-operative extension service in agriculture and home economics cannot be used to pay the compensation of a caretaker for land donated under Laws 1925, c. 13 §§5556-12, 5558-12. Op. Atty. Gen. Jan. 10, 1930.


6126. Upon discontinuation of county extension office supplies and equipment should be turned over to county auditor or county board for safe keeping pending re-establishment of extension work. Op. Atty. Gen. (107b-1), June 1, 1936.

MISCELLANEOUS

6131-1. Indians to raise and harvest wild rice in certain lakes.—The exclusive right of collecting wild rice in Lower Rice Lake in Clearwater County is here-
the wild rice harvesting upon all public waters of the state and by granting to the said Indians the exclusive right to harvest the wild rice crop upon all public waters within the original boundaries of the White Earth, Leach Lake, Nett Lake, Vermillion, Grand Portage, Fondulac and Mille Lacs Reservations. (Act Apr. 13, 1939, c. 231, §1.)

6131-3. To be harvested by Indians only in certain Indian Reservations.—It shall be unlawful prior to November 1, 1941, for any person to take wild rice grain from any of the waters within the original boundaries of the White Earth, Leach Lake, Nett Lake, Vermillion, Grand Portage, Fondulac and Mille Lacs Reservations, except said persons be of Indian blood, or residents of the reservation upon which said wild rice grain is taken. (Act Apr. 13, 1939, c. 231, §2.)

6131-4. Unlawful to harvest with boats exceeding certain size.—It shall be unlawful to use in harvesting wild rice in any public waters of this state, any water craft other than a boat, skiff or canoe propelled by hand, which boat, skiff or canoe has a top width of not more than 30 inches or any machine or mechanical device for gathering or harvesting the other than with flails not over 30 inches in length nor over one pound in weight, which flails must be held and operated by hand. (Act Apr. 13, 1939, c. 231, §3.)

6131-5. Must have license to harvest.—It shall be unlawful for any person to take from any of the public waters of this state any wild rice grain either for commercial or domestic use, unless such person shall first have obtained from the director of game and fish a license so to do. It shall be unlawful for any person in his wild rice harvesting, to operate more than three boats at any given time. (Act Apr. 13, 1939, c. 231, §4.)

6131-6. License fees.—The fee for such license shall be $5.00. The applicant for such license shall make an application to the director of game and fish upon forms furnished by the director, which application shall give the name of the applicant, his place of residence, whether of Indian blood, tribal relation, if any, names of members of his family and ages thereof who are to engage in wild rice harvesting and the names of counties in which applicant proposes to operate. Licenses shall be granted for the calendar year only and all members of a family shall be entitled to engage in the harvesting of wild rice under a license issued to the head of the family, provided said members procure an identification card which shall be issued for each member upon request to the director. (Act Apr. 13, 1939, c. 231, §5.)

6131-7. Definitions.—For the purposes of this act the term "person" shall include any firm, corporation, association or co-partnership. (Act Apr. 13, 1939, c. 231, §6.)

6131-8. Wholesale dealers to be licensed.—No license to harvest wild rice grain shall be issued to any person or circumstance is held invalid, the remain-

6131-9. License fees.—The fee for such license shall be $5.00. The applicant for such license shall make an application to the director of game and fish upon forms furnished by the director, which application shall give the name of the applicant, his place of residence, whether of Indian blood, tribal relation, if any, names of members of his family and ages thereof who are to engage in wild rice harvesting and the names of counties in which applicant proposes to operate. Licenses shall be granted for the calendar year only and all members of a family shall be entitled to engage in the harvesting of wild rice under a license issued to the head of the family, provided said members procure an identification card which shall be issued for each member upon request to the director. (Act Apr. 13, 1939, c. 231, §5.)

6131-10. No license to be issued to non-resident.—No license to harvest wild rice grain shall be issued to any person or circumstance is held invalid, the remain-

6131-11. Wholesale dealers to be licensed.—No person shall buy wild rice grain for the purpose of re-sale from any person who has harvested the same without first having obtained a license so to do from the director of game and fish. . . . The fee for such license shall be five dollars. (Act Apr. 13, 1939, c. 231, §8.)

6131-12. Unlawful to harvest green rice.—It shall be unlawful to harvest, sell or purchase green wild rice. For the purpose of this act, green wild rice shall be defined as any wild rice containing more than 15 per cent of grain still in the milk, sold 15 per cent to be determined by volume. (Act Apr. 13, 1939, c. 231, §9.)

6131-13. Not to harvest at night.—It shall be unlawful to harvest any wild rice grain between the hours of six p. m. and eight a. m. of the day following, nor shall any rice pole be used for propelling boats used in the harvesting of wild rice grain which is not forked at the end with each fork less than 12 inches in length. (Act Apr. 13, 1939, c. 231, §10.)

6131-14. Commissioner to appoint director.—The commissioner of conservation shall appoint a director of the wild rice harvest, who shall be a man of proven experience in the actual harvesting of wild rice for a period of not less than 20 years. The said director shall serve at the will of the commissioner and be paid a salary annually of the sum of $300 and reasonable traveling expenses, from any sums available to the division of game and fish. Said director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested. Said director with the approval of the conservation commissioner shall prescribe further rules and regulations as may be necessary to properly carry out the purposes of this act and to properly regulate the harvest. He may with the approval of the conservation commissioner appoint deputies to serve without pay to assist him in any or all of his duties. The commissioner of conservation is hereby authorized to designate the season for the harvesting of the wild rice in each of said lakes or rice beds upon the recommendation and report of the said director of rice harvest. (Act Apr. 13, 1939, c. 231, §11.)

6131-15. May restrict or prevent harvest.—The commissioner of conservation may in his discretion restrict or prohibit the harvesting of wild rice grain on public waters of any designated area when upon investigation of conditions it shall be determined necessary or advisable to protect against undue depletion of the crop so as to retard reseeding or restocking on such areas. (Act Apr. 13, 1939, c. 231, §12.)

6131-16. Definition.—The term "family" for the purposes of this act is defined as the immediate family, i. e., husband and wife or guardian and minor children having their abode and domicile with such parent or guardian. (Act Apr. 13, 1939, c. 231, §13.)

6131-17. Fees to be deposited with State Treasurer.—All fees collected by virtue of this act shall be deposited with the state treasurer to be credited by him to the game and fish fund. (Act Apr. 13, 1939, c. 231, §14.)

6131-18. Not to apply to director of game and fish.—Nothing in this act shall apply to harvesting or be construed to prevent harvesting of wild rice grain by the director of game and fish or his agents for the purpose of restocking depleted public waters with wild rice grain or wild rice plants from available sources. (Act Apr. 13, 1939, c. 231, §15.)

6131-19. Violations—Penalties.—Any person or persons violating any of the provisions of this act or any of the orders of the conservation commissioner promulgated in pursuance of the provisions hereof shall be guilty of a misdemeanor and his license shall become null and void and no license of the same kind shall be issued to him for one year after the date of such conviction and any person violating or threatening to violate any provision of this act may be restrained by injunction proceedings brought in the name of the state by the attorney general or by any county attorney. (Act Apr. 13, 1939, c. 231, §16.)

6131-20. Provisions severable.—If any provision of this act or the application of any provision to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby. (Act Apr. 13, 1939, c. 231, §17.)
PB131-21. Laws repealed. — Laws 1931, Chapter 373 (5556-1 to 5556-4), are hereby expressly repealed. (Act Apr. 13, 1939, c. 231, §18.)

POTATO SEED INSPECTION

6139-3. Duties of commissioner — Forms — Records, etc.

Records of Seed Inspection Division are open to inspection by any one having a legitimate interest therein. Op. Atty. Gen. (13Ge), July 26, 1939.

6139-10. Terms unlawfully used.

Potato tags containing information that they have been "certified" by shipper or "inspected" by shipper violate this section, where no previous inspection had been under this act. Op. Atty. Gen., Jan. 31, 1933. Words "seed certificate" were objectionable as falsely implying that potatoes had been inspected and certified pursuant to statute. Op. Atty. Gen., Jan. 26, 1934.

6139-12. Prosecutions for violations of law.


INSPECTION OF NURSERIES, NURSERY STOCK, PLANTS AND PLANT PRODUCTS—QUARANTINE—INSECT OR ANIMAL PESTS AND PLANT DISEASES

6145-1. Inspection of nurseries. — The state entomologist employed by the commissioner of agriculture is hereby designated as state inspector of nurseries and is authorized, either himself or by deputies duly appointed by him, to enter upon and inspect all premises in Minnesota where nursery stock is grown or held for sale, and further to inspect all orchards or any premises whatsoever within the state, where he has reason to suspect the presence of injurious insects or injurious and contagious plant diseases. Nursery stock shall be regarded as including all field-grown plants (except herbaceous annuals) of any kind, also trees, field-grown shrubs, vines, cuttings, buds, grafts and scions. For this purpose he or his deputy or deputies shall have free access to any field, ground, packing ground, buildings, cellars, orchard, garden, elevator, warehouse, freight or express office or car, freight yard, vehicle, vessel, boat, container, and other places where the carrying out of the provisions of this act shall make necessary. The state inspector of nurseries is empowered and required to grant certificates upon request to such nurseries as he may find free from injurious insects and contagious plant diseases. Such certificates shall be good for one year unless revoked by him. The state inspector of nurseries shall take possession of all premises where the carrying out of the provisions of the law shall make necessary. The state inspector for the inspection of stock so far as practicable on or before May 1st of each year. It shall be the duty of the inspector or his deputy to make the inspection as soon thereafter as possible.

For inspection of nurseries the fee shall be $10.00 per annum for inspection of strawberry plants, evergreens, herbaceous plants, bulbs and roots: $15.00 for the inspection of other truck plants in general with any or all of the plants mentioned heretofore; $35.00 for inspection of general nursery stock including any or all of the plants mentioned heretofore.

The determination of the charge or fee as per above shall be made by the state inspector of nurseries and shall be conclusive on the question of amount of fee that shall be paid. The fee for inspection shall be made at time of Inspection or other service for which a fee or charge is not otherwise provided, he may charge and collect for such inspection or other service performed, two dollars for each carload or fraction thereof, lot, orchard or planting. Said fee shall be collected from the person making application and shall be paid within sixty days from date of said service. The necessary traveling expenses of the inspector shall be paid by said applicant in addition to the prescribed fee unless said service can be performed at a time when the inspector is in the same vicinity for the performance of his regular duties. (27, c. 105, §1; Mar. 9, 1929, c. 59, §1.)

Greenhouse crops or plants grown in greenhouse pots or otherwise, including herbaceous annuals, are taxed as other property and not exempt. Op. Atty. Gen., June 13, 1932.

State owned tree nursery need not be inspected because state is not permitted to sell any of the stock and is not a nursery; not taxable. Op. Atty. Gen. (22Sa), June 26, 1934.

Fees charged for services rendered are not a tax, and are not a tax by state against federal government as applied to inspection of federal nursery. Op. Atty. Gen. (923a), Nov. 25, 1933.

6145-2. Diseased or infested trees, shrubs or plants — Destruction — Orders for, etc. — When any tree, shrub or plant, not itself diseased or infested, which is a host for any organism inducing a plant disease, new to or not heretofore widely prevalent or distributed in Minnesota, or any tree, shrub or plant, which is infected, to be destroyed as hereinafter provided:

(a) If the state inspector of nurseries shall find on examination, any orchard, small fruit planting, park, cemetery, or any private, public or quasi-public property which contains any tree, shrub, or plant, which is infected, which is a host for an insect pest or for any organism inducing a plant disease, and which if infected or infested may spread such insect or disease to any plants in adjoining or nearby premises the state inspector of nurseries may for the purpose of preventing the spreading of such organism or insect cause such tree, plant or shrub not itself so diseased or infested, to be destroyed as hereinafter provided:

(b) The state inspector of nurseries shall notify, in writing the owner or person having charge of such premises, or both of them, to that effect; and the owner or person having charge of the premises shall, within ten days after such notice, cause the removal and destruction of such plants, if incapable of successful treatment; otherwise cause them to be treated as the state inspector of nurseries may direct. No damages shall be awarded to the owner for the loss or destruction of plants designated under paragraphs (a) and (b).

(c) Such plants shall be deemed to be a public nuisance.

(d) In case the owner or person in charge of such premises shall refuse or neglect to comply with the provisions of paragraph (b) of this section within ten days after receiving written notice from the state inspector of nurseries, he shall be deemed guilty of a
violation of this act and thereafter the state inspector of nurseries may proceed to treat or destroy or cause such plants to be treated or destroyed in a manner prescribed by him.

(e) The expense of enforcing the provisions of paragraph (d) shall be a lien upon the owners of such land. Such lien shall have the same effect and may be collected in the same manner as taxes on such land; or the inspector may render to the owner or persons in charge an itemized bill of the cost, and if such cost shall not be paid within thirty days thereafter the bill shall be reported to the county attorney, who shall file it in the same manner as a civil action in the name of the state.

(f) Any money collected in accordance with the provisions of paragraph (e) of this section shall be paid into the State Treasury and credited to the funds for the purpose of enforcing any such proclamation, quarantine order, or rule or regulation.

(g) Upon the delivery of the appraisers' report the owner or lessee of the land on which the trees, plants or shrubs ordered to be destroyed are situated, shall forthwith destroy the same in the manner directed by the state inspector of nurseries, and within the time as specified in subdivision (b), and any owner or lessee who fails so to do within a period of five days after the expiration of said time specified in subdivision (b) shall be guilty of a felony and in addition to any criminal liability, the state inspector of nurseries may, after the failure of the owner or lessee for said five days to so destroy the same, cause the said trees, plants or shrubs to be destroyed at the expense of the owner, in the manner and as provided for in this act. Any money so collected from any one case shall be deducted from the amount payable to the owner. Provided, that said owner, lessee or representative shall not be guilty of felony if within five days after receiving the notice for the destruction of such trees, plants and shrubs as provided for in subdivision (b) he shall notify said state inspector of nurseries in writing that he prefers to have said state inspector of nurseries destroy such trees, plants and shrubs and that he shall not be liable for any criminal liability under this act. Said notice shall be in writing and shall contain a statement to the effect that the owner or lessee does not desire to destroy the said trees, plants or shrubs himself and is willing to pay the costs of destruction.

(h) It shall be the duty of the executive board of the State Horticultural Society and the director of the experiment station each to furnish to the state inspector of nurseries a list of five practical horticultural varieties of trees, plants or shrubs that have been approved by said society or the experiment station each to furnish to the state inspector of nurseries a list of the varieties of trees, plants or shrubs that have been approved by said society or the experiment station or any other person or organization that has been approved by the state inspector of nurseries. The state inspector of nurseries is hereby authorized to promulgate and enforce regulations for the purpose of eliminating the importation into this state or transportation of any plant, tree, shrub, plant product, or other material designated by said proclamation, quarantine order, rule or regulation and may seize, possess and destroy any such plant, tree, shrub, plant product or other material moved, shipped or transported in violation thereof.

(i) When the state inspector of nurseries finds or determines that there exist in any other state, territory, or district, or any part thereof, any dangerous plant disease or insect infestation with reference to which the secretary of agriculture of the United States has not determined that a quarantine is necessary and the state inspector of nurseries has not determined that such quarantine, such state inspector of nurseries is hereby authorized to promulgate and enforce appropriate rules and regulations prohibiting or restricting the transportation into or through the state, or any part thereof, from any other state, territory, or district, or any class of nursery stock, plant, fruit, seed, or other article of any character whatsoever capable of carrying such plant disease or insect infestation.

(j) The state inspector of nurseries is hereby authorized to make rules and regulations for the preservation, inspection, disinfection, destruction, or other disposition of any nursery stock, plant, fruit, seed or other article of any character whatsoever capable of carrying any dangerous plant disease or insect infestation, whether or not a quarantine with respect to which shall have been established by the secretary of agriculture of the United States. (As amended Apr. 15, 1926, c. 25.)

This act provides a remedy for eradication of a buckthorn vine which is known to be a secondary host of crown rust of oats, and it is necessary to wait until during the growing season to take action. (29a-G), Apr. 8, 1935.

6145-5. Inspection of nursery stock—certificate. All nursery stock transported from any point or points in the State of Minnesota to other points in or to or from outside the state must be accompanied by a valid certificate of inspection issued by any person, firm, or corporation that shall have been officially inspected and found free from dangerous insect pests and plant diseases. (27, c. 108, §5; Apr. 25, 1931, c. 365, §1.)

6145-6. Common carriers must not accept stock not tagged. No railroad and express companies and all common carriers are hereby prohibited from accepting any nursery stock for shipment without a certificate for the purpose of ensuring that such nursery stock is free from dangerous insect pests and plant diseases. (As amended Apr. 25, 1931, c. 365, §1.)
§6145-8

CHS. 37-38—AGRICULTURE AND RURAL CREDITS

6145-8. Must obtain dealers certificate before sale.

(a) 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 provided by the state entomologist, subject to the provisions of paragraph (e) of this section.

(b) 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 shall furnish a sworn affidavit that said person, firm or corporation will buy and sell only 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 $1.00 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 planning for such nursery stock shall obtain a dealer’s certificate upon payment of a fee of $5.00. Provided that nothing in this Act shall be construed as exempting any nursery branch or chain stores from the provisions of Chapter 213, Session Laws 1933 [§5887-1 et seq.], and acts amendatory thereof. 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.

(c) Non-resident nurserymen and dealers desiring to sell or accept orders for nursery stock in the state shall, upon complying with all other provisions of Chapter 108, Session Laws 1927, as amended thereunder, and all rules and regulations promulgated thereunder, obtain a registration fee for said nursery stock, such fee to be paid to the state entomologist, to the extent it may be necessary for the control of insect pests, plant diseases, bee diseases or rodents. Such money shall be expended according to technical and expert opinions and plans as shall be designated by the State Entomologist. (Act Feb. 27, 1935, c. 29, §1.)

(d) Notwithstanding the provisions of paragraph (c) of this section, the State Entomologist may enter into reciprocal agreements with the responsible officers of other states under which nursery stock owned by nurserymen or dealers of such states may be sold or delivered in this State without the payment of a Minnesota registration fee, provided like privileges are accorded to Minnesota nurserymen, dealers, or agents in such other states, and further, that the State Entomologist shall find that such other states before issuing their certificates, require inspections equal to those required under the Minnesota law and provided further, that the state entomologist may enter into reciprocal agreements with the responsible officers of other states under which nursery stock owned by nurserymen or dealers of such states may be sold or delivered in this State without the payment of a Minnesota registration fee, provided it is required to make bonds, without special permit tags of all descriptions, without filing of special invoice, without furnishing of stock, without making special inspection at time of ship, without having special statements or certifying locations of stock, or without any other kind of special inspection other than that necessary for complying with the regular filing of the accepted certificate of inspection.

(e) If any of the exemptions provided for in paragraph (d) of this section shall be held invalid by any court of competent jurisdiction, the class or classes held to be invalidly exempted shall forthwith become subject to the provisions of paragraph (c) as if no exemptions had been authorized in writing or upon request of their principal. (27, c. 108, §§; Apr. 21, 1931, c. 365, §§; Mar. 20, 1935, c. 54, §1.)

(f) All agents selling nursery stock, or soliciting orders for nursery stock shall secure for the state entomologist and carry an agent’s certificate bearing a copy of the certificate held by the principal. Said agent’s certificates shall be issued only to those held to be authorized in writing or upon request of their principal. (27, c. 108, §§; Apr. 21, 1931, c. 365, §§; Mar. 20, 1935, c. 54, §1.)

Dealer’s certificate is issued to the person and he may offer for sale at several places under one certificate. Op. Atty. Gen., Apr. 20, 1939.


A person working in, or connected with a store to which nursery stock has been consigned for sale, by a nursery, is not a bona fide agent of a nursery, and must procure a dealer’s certificate. Op. Atty. Gen., May 28, 1932.

6145-9. Violations—penalties.—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, upon conviction thereof, 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. (27, c. 108, §§; Apr. 25, 1931, c. 365, §4.)

6145-10. County board may appropriate money for control of insect pests, etc.—When recommended so to do by the State Commissioner of Agriculture, such recommendation being based on the expert opinion of the State Entomologist, the board of commissioners of any county of this State is hereby authorized and empowered to appropriate money for the control of insect pests, plant diseases, bee diseases or rodents. Such money shall be expended according to technical and expert opinions and plans as shall be designated by the State Entomologist. (Act Feb. 27, 1935, c. 29, §1.)

6145-17. Board may appoint supervisor.—The board of commissioners of any county of this state, through the State Entomologist, the board of commissioners of other states under which nursery stock owned by nurserymen or dealers of such states may be sold or delivered in the county, may authorize in writing or upon request of their principal, the State Entomologist, to institute and carry out such plans and procedures for effective control as said entomologist shall advise. (Act Feb. 27, 1935, c. 29, §2.)

6145-18. Board to fix compensation.—Any person so appointed under the provisions of this Act shall possess such qualifications, technical or expert training, as the State Entomologist shall deem necessary and shall receive such compensation as may be fixed and determined by the Board of Commissioners of the county in which said supervisor is to serve. Such supervisor shall be paid mileage for travel and subsistence expense in accordance with the rules and laws pertaining to the county of materials and equipment as recommended by the State Entomologist. (Act Feb. 27, 1935, c. 29, §3.)

6145-19. Purposes for which appropriation may be used.—Money appropriated according to this act shall be used only for expenses and wages of a supervisor as provided in this act and for the purchase and transportation into the county of materials and equipment as recommended by the State Entomologist. (Act Feb. 27, 1935, c. 29, §4.)

6145-20. Organization must be completed before money expended.—The county supervisor with the support of the county commissioners shall organize...
the owners, renters and lessees of land within the area infected or infested with diseases, insects or rodents according to the plan advocated by the State Entomologist. No material or equipment for control shall be distributed to any individual, organization or unit of organization until such organization has been perfected to meet the plans as outlined by the State Entomologist. (Act Feb. 27, 1935, c. 29, §5.)

6145-21. County board and county supervisors to supervise work.—The county supervisor and board of county commissioners shall determine what land within such infected or infested areas as designated by the State Entomologist to organize, and through such organization apply for, obtain and distribute, the control materials furnished by the counties for the control of said diseases, insects or rodents, in strict conformity with the provisions of this act and the rules and regulations promulgated by the county commissioners as herein provided for. It shall likewise be the duty of every owner, renter or lessee of land within such county, who resides elsewhere but who has notice of the distribution of such poison or other material or equipment, to apply for, obtain and distribute the same as is required by resident owners, renters or lessees. (Act Feb. 27, 1935, c. 29, §7.)

6145-22. Owners and renters to organize.—It shall be the duty of all owners, renters and lessees of land within such infected or infested areas as designated by the State Entomologist to organize, and through such organization apply for, obtain and distribute, the control materials furnished by the counties for the control of said diseases, insects or rodents, in strict conformity with the provisions of this act and the rules and regulations promulgated by the county commissioners as herein provided for. It shall likewise be the duty of every owner, renter or lessee of land within such county, who resides elsewhere but who has notice of the distribution of such poison or other material or equipment, to apply for, obtain and distribute the same as is required by resident owners, renters or lessees. (Act Feb. 27, 1935, c. 29, §8.)

6145-23. Certain acts to be misdemeanors.—Any person who shall prevent, obstruct or in any manner interfere with the county authorities or their agents in carrying out the provisions of this act, or neglect to comply with the rules and regulations of the county commissioners promulgated under authority of this act, shall be deemed guilty of a misdemeanor. (Act Feb. 27, 1935, c. 29, §9.)

6145-24. Definitions.—The term "Insect Pest" as used in this act shall include grasshoppers, cutworm, army worm, European corn borer, Japanese beetle, chinch bug, meadows and any other insect which the State Entomologist may designate as dangerous to agricultural and horticultural crops. (Act Feb. 27, 1935, c. 29, §10.)

6145-25. Definitions.—The term "Rodents" as used in this act shall include such rodents as rats, gophers, mice and others which the State Entomologist may designate as dangerous to the welfare of the people. (Act Feb. 27, 1935, c. 29, §11.)

6146. Certain bushes declared nuisance.  

6148. Destruction of bushes.  

### Class I

**COMMON NAME**  
**BOTANICAL NAME**  
- Perennial sow thistle  
  - Sonchus arvensis L.  
- Leafy spurge  
  - Euphorbia esula L.  
- Toad-flax (Butter and Eggs)  
  - Linaria vulgaris Hill  
- Canada Thistle  
  - Carduus nutans L.  
- Oxeye (white) Daisy  
  - Chrysanthemum leucanthemum L.  
- Dooders  
  - Cuscuta Sp.  
- Common Barberry  
  - Berberis vulgaris L.  
- Horse Nettle  
  - Solanum rostratum L.  
- Austrian Field Cress  
  - Reseda lutea L.  
- Creeping Jennie  
  - Atriplex Spp.  
- Perennial Pepper Grass  
  - Stachys tenuifolia  
- Sheep Sorrel  
  - Rumex acetosella L.  
- Quack Grass  
  - Agropyron repens L.  

### Class II

**COMMON NAME**  
**BOTANICAL NAME**  
- False Flax  
  - Linaria vulgaris Hill  
- Wild (common) Mustard  
  - Sinapis arvensis L.  
- Tumbling Mustard  
  - Hare's Ear Mustard  
- French (stink) Weed  
  - Sonchus arvensis L.  
- Curled (yellow or sour) Dock  
  - Carduus arvensis L.  
- Burdock  
  - Sonchus arvensis L.  
- Dock  
  - Roripa austriaca  
- Cockle Bur  
  - Convolvulus arvensis L.  
- Giant Ragweed  
  - Xanthium Sps. L.  
- Common Ragweed  
  - Carduus acanthoides  

### Class III

**COMMON NAME**  
**BOTANICAL NAME**  
- Blue Louse  
  - Blabera confinis  
- False Vetch  
  - Vicia angustifolia L.  
- Buckhorn (Plantain)  
  - Plantago lanceolata L.  
- Annual Sow Thistle  
  - Sonchus oleraceus L.  
- Spiny Sow Thistle  
  - Sonchus asper L.  
- Russian Thistle  
  - Salsola kali (var) tragus L.  
- Prickly Night Shade  
  - Agrostemma githago L.  
- Hodge Buckwheat  
  - Polygonum aviculare L.  
- Wild Buckwheat  
  - Convolvulus arvensis L.  
- Morning Glory  
  - Ipomoea lacunosa L.  
- Gravoyard Spurge  
  - Euphorbia esula L.  
- Lady's Thumb  
  - Euphorbia cyparissias L.  
- Wild Barley  
  - Atriplex Spp.  
- Darnel  
  - Agrostemma githago L.  
- Cocklebur  
  - Carduus acanthoides  
- Purple Cockle  
  - Carduus acanthoides  
- Sticky Cockle  
  - Cirsium arvense L.  
- Bladder Campion  
  - Silene latiflora B. and R.  
- Smart Weeds  
  - Silene latiflora B. and R.  
- California Puncrea Vine  
  - Leptidium Sps. L.  
- Hoary Alyssum  
  - Lepidium Sps. L.  
- Wild Oats  
  - Agropyron repens L.  

**AS AMENDED APR. 23, 1937, C. 371, §11.**
6153. Occupants or owners of land to destroy noxious weeds.


It is the duty of occupant of land abutting drainage ditch to destroy weeds at his own expense down to center of drainage ditch and to keep them in abeyance, and not to permit weeds to grow above the top of the ditch, or if there is a bordering ditch, responsibility is on owner of ditch or on owner of land in obstructions to ditches, or if land is vacant it is obligation of occupant. (322a-G), Aug. 3, 1938.

6154. Destruction of noxious weeds on public highways.

Moorehead city ordinance respecting trees and grass along the public streets, and the cutting of weeds on streets, avenues, or roads for the purpose of preventing the moving of seeds, feeds, and grains, held as a reasonable man to cut grass on a city street. Op. Atty. Gen. (322a), May 11, 1939.

6155. Destruction of noxious weeds on public highways.


6156. Local weed inspectors.

(b) Any town chairman may appoint a person to act as his assistant weed inspector, and such assistant inspector shall have all the powers and authority as the town chairman in the capacity of weed inspector and all conditions which apply to the remuneration of the inspector shall apply to the remuneration of the assistant inspector, and if the chairman appoints the other town assistant inspector, the compensation shall be the same as received for other township work executed by them, but shall be limited between 25 cents and 50 cents per hour, as provided in subsection (c) of this law. Such appointment may be for full time or any definite part of the time between the dates of May 15 and October 15 next following. Notice of such appointment together with a statement of the time for which the appointment is made shall be delivered to the inspector together with a statement of the time for which the appointment is to be made (amended April 20, 1939, c. 230.)

6158. Duties of local weed inspectors—Notices for destruction.

(c) Except as herein otherwise provided, in all municipalities and in all townships the duration of employment of the weed inspector shall extend between the dates of May fifteenth and October fifteenth of each year. Except that the Commissioner, for the purpose of preventing the moving of seeds, feeds, forage and grains from lands infested with the primary noxious weeds, along public roads and to other farm lands, may either on his own initiative or upon request of the township supervisor, and with the consent of the township board, in any county by directing that the work shall be continued later than the said October 15th or earlier than the said May 15th and the weed inspector shall, under the direction of the commissioner, destroy the weeds. (Amended April 23, 1937, c. 371, §2.)


173SM736, 218NW562.

Officer rendering services in connection with destruction of noxious weeds in a township or county board may assess costs and fees for services performed within the township or county, statement would be furnished clerk of such municipality and he would issue order for payment and certify amount thereof to county auditor, who would extend amount on tax books. Op. Atty. Gen., Aug. 29, 1932.


After tax representing expenses of eradication of noxious weeds has been assessed against land, county board has no power to refund amount of money taxed. Op. Atty. Gen. (444-2), June 24, 1935.


6163-1. Appropriation for extermination of noxious weeds. The Commissioner of Agriculture, dairy and food, hereinafter referred to as commissioner, is hereby authorized and it shall be his duty to execute this law, and to that end he may make and enforce such regulations as in his judgment shall be necessary; he shall investigate the nature and extent of Austrian field cress in this state, and to that end may require information from any party or parties, public officer or official as to the presence of Austrian field cress and possible means for its eradication. For the purpose of performing his duties and exercising his powers herein he may enter, or have someone for him enter, upon any and all lands in the state and take such samples of Austrian field cress, soil or other material needed for said investigation and eradication of said noxious weed, and to these ends he may from time to time publish and circulate information through the press, publish bulletins and other publications.

It shall be the duty of the commissioner to take such steps as in his judgment may be necessary to place lands infested with the said Austrian field cress under the control of the said commissioner, and fix methods of eradication of said Austrian field cress thereon. He shall have the authority to cooperate with local township and county boards, with individuals and state officials in the exercise of his duty as herein described. (Act Apr. 25, 1931, c. 387.)

6164-1. County weed inspector may be appointed.

—The Board of County Commissioners, whenever requested by the Commissioner of Agriculture, may appoint by resolution one or more county weed inspectors whose duties and powers shall be the same as those of a local weed inspector, and who shall supervise the work of such local weed inspectors and cooperate with them. (Act Apr. 26, 1929, c. 399, §1.)

6164-2. County board may fix compensation—Such appointment shall be for a term of not less than two months between the 15th day of May and 15th day of October next following and the Board of County Commissioners shall fix the compensation of said county weed inspectors and they shall be allowed the expenses necessarily incurred in carrying out their work, such compensation and expense allowed shall be paid out of the county general Revenue Fund. (Act Apr. 26, 1929, c. 399, §2.)
6104-3. May employ assistants.—Such county weed inspectors shall, with the approval of the county board, have power to employ necessary help to assist in eradicating weeds and such help shall be compensated as provided in Chapter 377 of the Session Laws of 1925. [§§6151-6164] (Act Apr. 26, 1929, c. 399, §3.)

6104-4. Commissioner of Agriculture to enforce act—sale of produce from lands secured.—The commissioner of agriculture, dairy and food, hereinafter in this act called the commissioner, is hereby authorized and it shall be his duty to administer this act and he shall have the authority to make, promulgate and enforce such rules and regulations as he shall deem necessary to so do, and he shall cooperate with the dean of the department of agriculture of the University of Minnesota in the study of the life habits and eradication methods of primary noxious weeds and from time to time shall publish such information upon the subject as may be of public interest and value to the agricultural communities of the state.

When farm produce is grown on lands secured under the provisions of this act for the study of life habits and eradication methods, the commissioner, in cooperation with the dean of the department of agriculture of the University of Minnesota, is directed and authorized to sell such produce, and all moneys derived from such sale shall be deposited with the state treasurer in the same manner as other state receipts are, but shall be set aside and constitute a separate fund to be known as the Primary Noxious Weed Fund, and shall be used in the conduct of the studies provided for in this act. (Ap. 29, 1935, c. 348, §1; Mar. 19, 1927, c. 72, §1.)

6104-5. May engage employees and purchase equipment.—The commissioner may engage such additional employees and may purchase such equipment and supplies as may be necessary to carry out the provisions of this act. (Act Apr. 29, 1935, c. 348, §2.)


6104-6. What are noxious weeds.—The term primary noxious weeds, as used in this act, shall mean and shall refer to Creeping Jenny (Convulvulus arvensis), Salsify (Tragopogon porrifolius), Red Nettle (Solanum carolinense), Austrian Field Cress (Roripa (Radicula) australaca), Perennial Pepper Grass (Lepidium draba), and other similar weeds propagated by seed and root stalk. (Act Apr. 29, 1935, c. 348, §3.)

6104-7. Commissioner may destroy weeds.—When from investigation or otherwise, it shall appear to the commissioner that upon any tract of agricultural land there is an infestation of primary noxious weeds beyond the ability of the land occupant or owner to eradicate, the commissioner, upon request of the owner, or upon his own motion, shall take such steps as may be necessary to prevent further spread of such weed growths and to this end shall quarantize such portion of each such tract of land as may be so infested and put into immediate operation the necessary means for the eradication of such weed growths. (Act Apr. 29, 1935, c. 348, §4.)


Commissioner may take any steps that he deems necessary to eradicate noxious weeds on highway right of way, exclusive of placing land under quarantine. Op. Att'y Gen. (322b), March 22, 1938.

Commissioner may take any steps that he deems necessary to eradicate noxious weeds under contract between state and county were not "state employees." Op. Att'y Gen. (322b), March 22, 1938.

County may apply for federal credit lands and commissioner may quarantine such lands and eradicate weeds thereon. Op. Att'y Gen. (322g), May 3, 1938.

6104-8. Must give written notice.—The commissioner entering upon any tract of land for the purposes of this act, shall give written notice to the owner of such entry and quarantine, if established, and also shall give the owner written notice of the completion of his operations thereon. (Act Apr. 29, 1925, c. 348, §5.)

6104-9. Expenses to be paid from fund provided—treading within a municipality—sale of produce from lands secured.—(a) The expenses of field operations, including cost of chemicals and other materials employed in weed eradication except machinery and other equipment, shall be paid from the fund herein provided, which fund shall be maintained at the county from the necessary first of each year, 20 per cent thereof by the county and ten per cent thereof by the township in which the land so quarantined and improved is situated.

(b) When the infestations of primary noxious weeds, against which the activities of the commissioner are directed, are found located on the sides of public highways, the expenses of eradication shall be paid, 50 per cent by the state from the fund herein provided, 25 per cent from the fund provided by this act for the maintenance of the state highway department if the infestation is on a state highway, 50 per cent by the county if the infestation is on a county or state aid road, and 50 per cent by the township if the infestation is on a road or a county or state aid road. (Act Apr. 29, 1935, c. 348, §4; Mar. 19, 1937, c. 72, §2.)

(c) When infestations of primary noxious weeds, against which the activities of the commissioner are directed, are found located within the corporate limits of a municipality or on property used by a municipality, the expense of the eradication of such weeds shall be paid as follows: 50 per cent thereof by the state, 25 per cent by the municipality from the funds provided for in this act, and 25 per cent by the municipality from its general revenue fund. (Act Apr. 29, 1935, c. 348, §6; Mar. 19, 1937, c. 72, §2.)


6104-10. Appropriation.—There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of $50,000.00 for the fiscal year ending June 30, 1936, and a like amount for the fiscal year ending June 30, 1937, and for the purpose of expediting the operations of the commissioner under the provisions hereof, the sum of $10,000.00 thereof, shall become immediately available upon the passage of this act; provided, however, that not to exceed five per cent of the appropriation so made shall be used for experimental purposes. (Act Apr. 29, 1935, c. 348, §7.)

6104-11. Trespass a misdemeanor.—Any person who shall intrude upon any lands, placed under quarantine by direction of the commissioner, or who shall interfere with the operation of any machinery or other equipment being employed by and in use by the commissioner or his duly authorized agents in carrying out the provisions of this act, shall be guilty of a misdemeanor. (Act Apr. 29, 1925, c. 348, §8.)

STATE TESTING MILL

6106. State testing mill.

State mill can be used only for testing and scientific purposes, and sale of surplus or by-products is merely incidental. Op. Att'y Gen., Apr. 11, 1933.

State board of control has no authority to pay more for flour produced by mill than it can be bought for in open market. Op. Att'y Gen., Apr. 11, 1933.

6106. Sale of products.

State board of control has no authority to pay more for flour produced by mill than it can be bought for in open market. Op. Att'y Gen., Apr. 11, 1933.


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6169. Disposition of proceeds. Though testing mill was not liable for federal proceeds, there was no law permitting refund of amount collected either from the board of control or from license purchases. Op. Att'y Gen. (38a-1), Sept. 30, 1934.

COMMISSION MERCHANTS

6197. Definition—License—Bond. Contract held on sale and factorage, and contract was not invalid for uncertainty. Marrinan Medical Supply, Inc. v. F., (USCCA8), 47F(2d)458. Whether an individual is in fact a grain merchant is a question of fact to be determined by commission, as are the necessary licenses and separate bond. Op. Att'y Gen. (215a-4), July 21, 1936.

6200. Statement to consignor. Indemnity bond given by grain commission merchant is governed by the same rules of construction as are ordinary life and fire insurance policies. 178M136, 226NW396. Settlement exclusive of Interest, held that general denial of the existence of these to his customers and the surplus selling to surety company for breach of conditions of a commission merchant's bond. Op. Att'y Gen., Feb. 26, 1932. $5,000 bond permits sale of hay and straw as well as grain and 18,000 bond is required only where activities are limited to hay and straw. Op. Att'y Gen., July 1, 1935.

6202. Suit on bond, etc. Provision to file of a affidavit with the commission is directory and not mandatory and suit may be instituted on the bond without such filing. 173M613, 235NW533. COLD STORAGE

6207. Definition of "Cold Storage." A cold storage company is not liable for goods delivered to the warehouse without license constitutes a gross misdemeanor but those guilty of the offense are not civilly liable for license fee. Op. Att'y Gen. (464-25), Dec. 8, 1936. Cold storage license is not required by operators of a cold storage company consisting of a large number of lockers, operated by both cooperative and private owners, lockers being rented by month to persons desiring to store articles for the purpose. Op. Att'y Gen. (954b-5), Sept. 11, 1934.

6206. Licenses, fees, etc. Operation of warehouse without license constitutes a gross misdemeanor but those guilty of the offense are not civilly liable for license fee. Op. Att'y Gen. (464b-8), Sept. 11, 1934.


WHOLESALE PRODUCE DEALERS

6240-1 to 6240-19 [Repealed]. Repealed Apr. 23, 1931, c. 294, p. 615, post. 6240-19%. Annotations under 6240-18a.—The term "produce" as used in this Act shall mean and include the natural products of the farm, except hay, grain, straw and livestock, other than veal; the natural products of the orchard, vineyard, garden and apiary, raw and manufactured; the raw and finished products of the dairy, creamery, cheese factory, condensory and dry milk factory; the products of livestock, including wool, mohair, skin, hides, and meats; veal; poultry and poultry products; game and fish; and the timber products of the farm produced for sale and sold as part of the farming operations thereof.

(a) The term "person" shall mean an individual, firm, co-partnership, corporation or association.

(b) The term "Commissioneer" shall mean the Commissioner of Agriculture, Dairy and Food of the State of Minnesota.

(c) The term "voluntary extension of credit" shall be construed to mean a written agreement between the seller and the person wherein the time of payment for the purchase price of produce is extended beyond the due date.

(d) The term "due date" shall mean seven days from the date of delivery of the produce to the licensee in the case of a sale; in all cases where produce is consigned seven days' from the date the sale is made by the broker or handler, except as to creameries and ice cream manufacturers where the date shall be the day following the day of obtaining account succeeding to deliveries following the date fixed by each creamery for such accounting. (Act. Apr. 23, 1931, c. 394, \( \frac{1}{2} \) Apr.-14, 1939, c. 251, §1.)

"Due date" means 15 days following day selected by particular creamery as day upon which payment shall be made on account of preceding deliveries. Op. Att'y Gen. Jan. 30, 1939.

Events showing instances and distinction of the provisions only among their various retail stores for direct retail sales and non-wholesale dealers under this act. Op. Atty. Gen., (823h), July 12, 1934.

Due date for creameries is that fixed by licensee and not the due date of checks. Op. Atty. Gen., Mar. 29, 1937.


6240-18 3/4b. Dealers must be licensed.—No person shall engage in, or purport to be engaged in, or hold himself out as being engaged in the business of a dealer at wholesale, or as being a dealer at wholesale, as defined in this Act, unless he shall be licensed to carry on such business by the Commissioner. (Act Apr. 25, 1931, c. 394, §5.)


One may be in service of one wholesale fruit company and have a license and bond in his own name to operate another wholesale fruit company through employees, but if persons operating second fruit company are real owners of new said license and he cancels and gives the new one obtained by true owners. Op. Atty. Gen., Nov. 20, 1932.


Men who are transporting fish they have bought from local wholesalers and are selling such fish to stores in wholesale lots are not required to secure a license under §5855(8). Op. Atty. Gen. (390-2), Jan. 28, 1931.


6240-18 3/4c. Licenses—fees—bonds.—License to engage in the business of a dealer at wholesale within the State of Minnesota shall be issued by the Commissioner, and the amount and form thereof to be fixed by the Commissioner, conditioned for the faithful performance of his duties as a dealer at wholesale, provided that any and all bonds heretofore executed and filed with the commissioner by dealers at wholesale containing substantially the requirements of this act are hereby reaffirmed and approved, for the observance of all laws relating to the carrying on of the business of a dealer at wholesale, for the payment when due of the purchase price of produce purchased by him when notified of default is given the commissioner within 30 days after the due date; provided that the bond shall not cover transactions wherein it appears to the commissioner that a voluntary extension of credit has been granted by the dealer to the lessee for the bond the due date, for the prompt settlement and payment of all claims and charges due the State of Minnesota for services rendered or otherwise, for the purchase of sales produce consigned to the licensee for sale on commission and the prompt payment to the persons entitled thereto of the proceeds of such sales, less lawful charges, disbursements and commissions. Such bond shall cover all wholesale produce business transacted in whole or in part within the State of Minnesota, and the license, or a certified copy thereof, shall be kept posted in the office of the licensee at each place within the State where he transacts business. All licenses shall expire May 31 of each year. The fee for such licenses shall be five dollars for each license, or certified copy thereof one dollar. Whenever the licensee shall sell, dispose of or discontinue his business during the lifetime of his license, he shall at the time such action is taken notify the Commissioner in writing, and shall upon demand produce before the Commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of said business.

(c) The applicant shall file with the Commissioner a schedule of his commissions and charges for services in connection with produce handled on account of or as agent for another.

(d) All moneys collected from license fees shall be deposited in the state treasury in a separate fund known as the Wholesale Dealers' Enforcement Fund, and shall be used by the produce inspection division of the department of agriculture, dairy and food for the purpose of supervising and regulating the provisions of this act. Such moneys may be expended upon the order of the Commissioner. (Act Apr. 25, 1931, c. 394, §4; Apr. 15, 1935, c. 186, §1.)


Where a wholesale vegetable produce dealer's license was issued to a firm in connection therewith a duplicate license, identification card, and truck plate and all such bonds, and licence never delivered the duplicate license, identification card and truck plate and never find such duplicate license canceled, licensee was not liable to producer receiving bad check from such other person, who was dealt with on his own account, and had a license. Op. Atty. Gen. (822a), Jan. 12, 1938.

Inspector of this division cannot be paid out of funds of this division during months which he is making inspection for the canning inspection division. Op. Atty. Gen., June 6, 1938.

Licensee corporation changing its name by amendment of articles of incorporation was not required to obtain license and bond. Op. Atty. Gen. (822a), Dec. 13, 1931.

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Whenever any person having produce desires to have such produce at the time such inspection was made, he may apply to the Commissioner for a schedule thereof to be adopted and inspection showing the grade, quality and conditions grading produce subject to sale, at such marketing. The Commissioner shall have power to establish sureties shall be apportioned among the several claim-ants. In all cases where the liability of the licensee is restricted to the amount of the bond, the penalty of the bond as against the entire liability to all persons entitled to the protection by reason of breaches of the conditions of the bond shall not exceed the amount of his bond, or where the amount of the bond is insufficient to pay the entire liability, the Commissioner shall withdraw from such account the full amount of all such bills payable for services rendered, and shall return to the depositor any moneys remaining to his credit at the time such agreement terminates. Any sums due to the commissioner under the provisions of this act are hereby appropriated for the purposes set forth herein. (Act Apr. 25, 1931, c. 394, §7.)

Egg inspection fees may be collected under this section. Egg inspection fees may be collected by the commissioner for services rendered, and shall be paid out only upon order of the Commissioner. (Act Apr. 25, 1931, c. 394, §6; Apr. 15, 1935, c. 186, §2.)


Wholesale dealer is allowed to file with mortgaging division a list of creditors from time to time in order to hold that office responsible for claims which might arise because of creditors going into receivership, but this office is discouraged in a case where it has a right to call for a hearing on each complaint. Op. Atty. Gen., Oct. 20, 1933.


6240-18½f. Commissioner to establish grades. — The Commissioner shall have power to establish grades on all produce as herein defined, and when deemed necessary, shall provide for inspecting and grading produce subject to sale, at such marketing points within the state as the Commissioner may designate, and provide for the issuing of certificates of inspection showing the grade, quality and conditions of such produce. Whenever it may be deemed advisable for such purpose, a schedule thereof to be adopted and published from time to time. Such certificates of inspection shall be prima facie evidence in all courts of this state of the quality and condition of such produce at the time such inspection was made. Whenever any person having produce desires to have it inspected he may apply to the Commissioner for the service of an inspector or inspectors, and if it shall appear to the Commissioner that the volume of such produce is sufficient to justify such request, he may grant such service upon terms and conditions to be fixed by him, provided, however, that any inspection service so ordered and maintained shall be self-supporting. The Commissioner may require a deposit prior to the rendering of such inspection service in amount equal to the costs thereof estimated by him, and he may further require that such deposits be renewed from time to time in such manner that a permanent account shall be maintained, sufficient at all times to pay the costs of such inspection service for a period of not less than 15 days in advance. Moneys placed in the hands of the Commissioner for the purpose aforesaid shall be placed in a separate account to be known as the "Produce Inspection Account" and the sums such persons shall contribute to each account shall be kept separate on the books of the Commissioner. No moneys shall be paid from said account for inspection services rendered to any person in excess of the moneys on hand accredited to his account. Said money shall be deposited in the state treasury and all other departmental receipts are deposited and shall be credited to the account herein created and shall be paid out only upon order of the Commissioner. Whenever any such agreement shall terminate by action of the court, the Commissioner shall withdraw from such account the full amount of all such bills payable for services rendered, and shall return to the depositor any moneys remaining to his credit at the time such agreement terminates. Any sums due to the commissioner under the provisions of this act are hereby appropriated for the purposes set forth herein. (Act Apr. 25, 1931, c. 394, §7.)

6240-18½g. Dealers may file brands or labels. — Any person producing or manufacturing, or handling in this state any of the products mentioned in this act, except cheese and butter, and preparing, packing and offering the same for sale, may file with the commissioner a brand or label which shall thereafter be the exclusive property of said applicant, and he may place upon said brand or label such descriptive or locative matter as shall be approved by the commissioner. The commissioner may require the applicant for brands and labels a permit to use the same subject to such regulations and restrictions as to quality of product so branded as the commissioner may determine. Said brand or label shall be recorded in the office of the commissioner, and any person without authority of the commissioner use any such brand or label, or shall brand and label therewith products or commodities of a quality below the standard permitted under the brand or label, shall be subject to the penal provisions of this act. (Act Apr. 25, 1931, c. 324, §8.)

6240-18½h. May secure inspection certificate. — Whenever produce is ready for sale, or is on its way to market, the owner thereof or the conveyor, or the prospective buyer, or any other interested party may call for and shall be entitled to inspection of such produce and to an inspection certificate as provided for in Section 7 of this act, and said dealer at wholesale finds the same to be in a spoiled, damaged, unmarketable or unsatisfactory condition, unless both parties shall waive inspection before sale or other disposition thereof, he shall cause the same to be examined by an inspec-
§6240-18 1/2f. Commissioner to make rules and regulations—The commissioner shall have power and it shall be his duty from time to time to make and publish uniform rules and regulations, not inconsistent with the provisions of this act and governing the rates charged by and after the tenth day succeeding the date of the last such publication, such rules and regulations shall be held and the publication of such rules and regulations shall be held in the office of the commissioner. A copy of such rules and regulations, certified by the commissioner shall be prima facie evidence of the facts therein contained, and of the due making and publication of such rules and regulations. (Act Apr. 25, 1931, c. 394, §14.)

§6240-18 1/2n. Commissioner to enforce act.—The commissioner shall be charged with the enforcement of the provisions of this Act and of the rules and regulations made and published thereunder. Upon complaint made it shall be the duty of the county attorney to prosecute all cases arising in his county.
for violation of this act or of the rules or regulations made and published thereunder. The Commissioner and his duly authorized agents and inspectors appointed for the purpose of enforcing the provisions of this act shall have the power of police officers in the enforcement of this act. (Act Apr. 25, 1931, c. 394, §17; Apr. 15, 1935, c. 186, §3.)

Duty imposed on the commissioner of agriculture, general sales tax division, to institute proceedings against wholesale dealers in produce as in case of one unlawfully doing business without a license, involves exercise of judgment and discretion, and so is not in class of ministerial official duties, non-performance of which may result in liability to one proximately damaged by non-performance. See Wilson v. Carter, 120 Minn. 687, 139 N.W. 684. See Dun. Dig. 8061.

Wholesale dealers shipping potatoes in violation of labeling act, or purchasing potatoes in county where potatoes are loaded and billed, shall mean and include butter, milk, cream, butterfat, eggs, poultry and all livestock and products of livestock such as wool, mohair, hides and meats.

Laws 1927, §§6240-1 to 6240-18, and all other acts and parts of acts inconsistent with this Act are hereby repealed. (Act Apr. 25, 1931, c. 394, §18.)

INVESTIGATIONS

6241. Commissioner of agriculture authorized to make investigations.

Powers conferred upon the Commissioner under this section are applicable to any investigation which the Commissioner may institute under §10350. Op. Atty. Gen., Oct. 15, 1931.

FARM BUREAUS

6248. Fees.


DISCRIMINATION IN PURCHASE OF FARM PRODUCTS

6248-1. Terms and phrases.

There is no violation of this law by a local wholesale egg dealer who refuses to buy eggs from merchant at as high a price as he pays to farmers. Op. Atty. Gen. (366b-3), April 26, 1935.

6248-2. Definitions.—(a) The term "person" means as individual, firm, co-partnership, corporation or association.

(b) The term "farm products" as used in this act shall mean and include butter, milk, cream, butterfat, cheese and other dairy products, honey, eggs, poultry and all livestock and products of livestock such as wool, mohair, hides and meats.

(c) The term "bona fide competitor" means a duly licensed dealer in farm products maintaining a place of business in the same trade territory. (As amended Apr. 24, 1937, c. 420, §2.)

6248-3. Discrimination prohibited.—Any person engaged in the business of buying any such farm products for manufacture or sale thereof, who shall discriminate between different sections, localities, communities, cities or villages, or between persons in the same community, of this state, by purchasing any such farm products at a higher price or rate, or in one locality or from one person than is paid for such farm products of the same kind, quality and grade by such person in another section, locality, community, city or village, or than is paid to another person of the same community, after making due allowance for the difference, if any, in the cost of transportation from the locality of purchase to the locality of manufacture or sale, or who shall fail to deduct full transportation costs from the purchase price paid; or who shall fail to deduct the actual costs of hauling when such products are gathered by wagon or truck; or who shall pay or offer to pay in trade or in exchange for goods, wares or merchandise a higher price for such farm products than the cash price paid or offered to be paid for such farm products, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful. Providing, however, that wherever the transportation costs actually charged for hauling cream shall be two cents or more per pound for butterfat therein contained, and 15 cents per 100 pounds for transportation of whole milk, such charge shall be deemed a compliance with the terms of this act. It shall not be unfair discrimination for any person to pay, in any section, locality, community, city, or village, a price equal to that actually paid on the same day by any bona fide competitor in such place for farm products of the same kind and grade, provided such price is paid in good faith effort to meet such competition, and the burden of proving such facts shall be upon the defendant. (As amended Apr. 24, 1937, c. 420, §2.)

6248-4. Construction of act.—Nothing in this act shall be construed as repealing any other act or part of any other act, unless inconsistent herewith, but the remedies herein provided shall be cumulative to all other remedies provided by law. If any section, subdivision, sentence or clause in this act shall, for any reason, be held to be unconstitutional or void, such judgment shall not affect the validity of any other portion of this act. (As amended Apr. 24, 1937, c. 420, §3.)

CHAPTER 39

Bounties and Rewards

6254. Bounties on wolves.—(a) Every person who shall kill a wild wolf in this state, not having at the time spared the life of any other such wolf he could have killed, shall upon compliance with the provisions of this act, be rewarded in the sum of fifteen dollars for each adult animal and six dollars for each cub, to be paid by the state out of the revenue fund or such other funds as may be appropriated therefor by law.

(b) Any county board may add to such reward and appropriate county funds therefor.

(c) For the purposes of this act any wolf killed before September 1st of the year in which it was born shall be deemed to be a wolf killed on or after said date, if physically mature, though not...