

1944 Supplement  
To  
**Mason's Minnesota Statutes, 1927**  
and  
**Mason's 1940 Supplement**

Containing the text of the acts of the 1941 and 1943 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 Law Review Articles and digest of all common law decisions.

Edited by  
the  
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Indemnity is payable for slaughtered reactors to Bang's Disease even though some reactors are segregated, but indemnity will only be paid for animals slaughtered within the time limit. Op. Atty. Gen. (293B-1), Feb. 24, 1942.

#### 5460-27. Board to make and enforce rules.

Failure to comply with rules and regulations of sanitary board are punishable under §5407. Op. Atty. Gen. (293b-1), May 14, 1941.

## CHAPTER 31

### Inspection of Steam Vessels and Boilers

#### 5474. District boiler inspector—Appointment, etc.

Boilers belonging to a state department must be inspected and department must pay fee. Op. Atty. Gen., (33c), Dec. 18, 1939.

Commission has power to adopt and enforce rules and regulations relating to licensing of engineers and boiler inspection, and approval of governor is unnecessary. Op. Atty. Gen., (34f), January 22, 1940.

An individual operating a steam boiler, to furnish steam for pressure retorts at a community canning center, should be required to obtain a license to operate the boiler. Op. Atty. Gen. (136d), May 21, 1943.

#### 5480. Examination of master and pilots.

Inspection by State Boiler Inspectors is required in case of motor boat used exclusively for towing row boats which are occupied by a pilot and persons fishing or outing on inland lakes. Op. Atty. Gen. (34g-2), Apr. 24, 1942.

#### 5486. Allowance of and aiding inspection—License, etc.

It is not necessary for employee of a city lighting and heating plant working under supervision of a chief engineer to take out a steamfitter's license in order to make minor repairs, and they need not secure an engineer's license unless they are entrusted with operation of a steam boiler or steam machinery. Op. Atty. Gen., (34f), Oct. 18, 1939.

It is not necessary for a civil service employee of federal government operating a boiler upon federal property to have a state boiler license. Op. Atty. Gen., (34f), March 29, 1940.

An individual operating a steam boiler, to furnish steam for pressure retorts at a community canning center, should be required to obtain a license to operate the boiler. Op. Atty. Gen. (136d), May 21, 1943.

5490. District boiler inspector to deliver certificates—fees for inspection.—After examination and tests, if the district boiler inspector, finds any steam boiler or pressure vessel safe and suitable for use, he shall deliver to the chief boiler inspector a verified certificate in such form as the chief boiler inspector shall prescribe, containing a specification of the tests applied and the working pressure allowed, a copy of which the district boiler inspector shall furnish to the owner of the boiler or pressure vessel, who shall post and keep the same in a conspicuous place on or near boiler or pressure vessel. The district boiler inspector is entitled to a fee of \$3.00 for the inspection of each boiler or pressure vessel and its connections, payable on delivery of the certificate. The fee for inspection of tanks or receptacles containing air under pressure is \$1.00. The fee for the examination for an engineer's license is: Chief engineer, \$7.00; first-class, \$5.00; second-class, \$3.00, and special, \$2.00; and for each yearly renewal, \$1.00. 50 per cent of all license fees shall go to create a fund to be known as the boiler inspectors' fund and 50 per cent to the inspector of the district where the examination is held or renewal made. This fee shall accompany the application. (As amended Apr. 7, 1943, c. 340, §1.)

Boilers belonging to a state department must be inspected and department must pay fee. Op. Atty. Gen., (33c), Dec. 18, 1939.

Commission has power to adopt and enforce rules and regulations relating to licensing of engineers and boiler inspection, and approval of governor is unnecessary. Op. Atty. Gen., (34f), January 22, 1940.

## CHAPTER 31A

### Inspection and Regulation of Aircraft

#### UNIFORM STATE LAW FOR AERONAUTICS

##### 5494-1 to 5494-10. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

No state department has jurisdiction over location of power wires and poles to extent of requiring removal in interest of public safety. Op. Atty. Gen. (234), Nov. 7, 1941.

##### 5494-11. Owners of aircraft liable for injuries. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

When a plaintiff has proved a bailment the defendant has burden of establishing before jury that defendant's negligence did not cause loss of property bailed, and this is not merely the burden of going forward with proof, but the burden of establishing due care on its party by a preponderance of the evidence, and this was true as to a flying field which was shown to be ballee of a light airplane destroyed by wind storm. Zanker v. Cedar Flying Service, 214M242, 7NW(2d)775. See Dun. Dig. 249c.

Proprietor of a flying field as ballee of a light airplane must exercise care commensurate with likely changes in weather and effect of high or squally winds upon such a plan must be taken into account by it, as effecting its liability for destruction of the plane by a wind storm. Id.

##### 5494-12 to 5494-15. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

##### 5494-16. Certain acts a misdemeanor. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

This section was amended in 1941, c. 386, §1.

This section supersedes Mason St., §1628, but does not supersede §1629. Op. Atty. Gen., (234a), July 21, 1941.

##### 5494-17 to 5494-36. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

#### ACT TO REGULATE AERONAUTICS

##### 5494-36 ½. Definitions. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

This act has been adopted by the following states: Arizona, Delaware, Georgia, Hawaii, Idaho, Indiana, Maryland, Michigan, Minnesota, Montana, Nevada, New Jersey, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont and Wisconsin.

Sovereign power and jurisdiction of a state is not limited to the ground, and an airplane in the air over territory of a state is within the state and subject to its sovereign power. State v. Northwest Airlines, 213M395, 7NW(2d)691. See Dun. Dig. 249a, 8824.

(j). A ground school conducted by a state teachers' college need not be licensed. Op. Atty. Gen. (234d), Nov. 5, 1941.

##### 5494-36 ½ a to 5494-36 ½ j. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

##### 5494-36 ½ k. Airport operators to make application for approval—Licenses. [Repealed.]

Repealed. Laws 1943, c. 653, §24.

Commission may require applicants for license to conduct an air school to make a showing of financial ability and to comply with requirements of laws and regulations pertaining to safety, but may not require operator of school to furnish bond in support of his financial responsibility or prescribe a code of prices or rates. Op. Atty. Gen. Sept. 18, 1941.

A ground school conducted by a state teachers' college need not be licensed. Op. Atty. Gen. (234d), Nov. 5, 1941.

##### 5494-36 ½ l to 5494-36 ½ w. [Repealed.]

Repealed. Laws 1943, c. 653, §24.