

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.

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Where ownership of plant changes, a \$10 fee is required though plant has been established in same locality for a number of years and has been inspected from time to time. Id.

5988. Renewal of permit.

Where dry cleaner obtained a renewal of license and paid \$5 and later an inspector made report that certain individual was now operator and owner, from whom \$10 was collected for a new license, when as a matter of fact there was no new owner but only a change in capital stock structure, it would be permissible to allow credit for the second fee and apply it in payment for subsequent renewal licenses. Op. Atty. Gen. (197B), Jan. 16, 1941.

5991. Buildings to be fire proof.

Law does not require use of a cleaning liquid having a flash point of 187 Degrees, but is very specific in prescribing type of building. Op. Atty. Gen. (197B), Jan. 9, 1941.

6013. Application.

Amended by Act Apr. 18, 1941, c. 299, §1, to constitute §§6013-1 and 6013-2, post.

6013-1. Application of act to particular sections.—The provisions of Mason's Minnesota Statutes of 1927, Sections 5993, 5995, 5997, 5999, 6000, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010 and 6011, and Mason's Supplement, 1940, Sections 5991, 5992, 5994, 5996, 6001 and 6012, shall not apply to any dry cleaning or dry dyeing business exclusively using petroleum solvent having a flash point of 140 degrees Fahrenheit or above, determined in the manner provided in Mason's Supplement, 1940, Section 5984, provided that dry cleaning systems in which such solvents are used shall be dry cleaning systems which conform to the Regulations of the National Board of Fire

Underwriters for Safeguarding Dry Cleaning and Dry Dyeing Plants published in its pamphlet No. 32 dated August 15, 1936, for the class designated therein as Class II and shall be completely equipped plants employing closed containers and circulating piping for washing, extracting and purification of solvent and shall consist of washer or washers, extractor or extractors, drying tumbler or tumblers, cabinet or cabinets, filter or filters, still, pumps, solvent tanks and piping. (§6013, as amended, Act Apr. 18, 1941, c. 299, §1.) [76.259]

6013-2. Application of act.—The provisions of this act shall not be held to apply to any building, business or establishment now in use, so as to cause the same to be rebuilt, remodeled or repaired so as to conform to the provisions hereof, but should any building or establishment, or part thereof, be reconstructed, rebuilt or repaired, the same shall be so constructed, built or repaired in conformity to the provisions hereof. Nothing in this act shall be held to in any manner limit the laws which provide against fire hazards in this state. Nothing in this section shall permit any person to operate a business or establishment mentioned in this act without first securing a license as provided herein, for so doing, but the provisions of this section shall be given full consideration by the state fire marshal in issuing licenses to persons now engaged in said business. (§6013, as amended, Act Apr. 18, 1941, c. 299, §1.) [76.26]

CHAPTERS 37-38

Agriculture and Rural Credits

DEPARTMENT OF AGRICULTURE

6024. Powers and duties.

Commissioner of agriculture shall fix standards for grading apples. Laws 1941, c. 371.

(c).

Commissioner of Agriculture may enter into a cooperative agreement with United States Department of Agriculture whereby inspectors of state department are licensed by United States department to inspect and grade and issue federal, or federal-state grading certificates, though fees covering grading certificates are collected and paid directly into federal treasury, which in turn refunds state portion of grading fees to state treasury, subject to approval of the attorney general. Op. Atty. Gen. (136), Sept. 5, 1940.

RURAL CREDITS

6031. Purposes.—(a) The Department of Rural Credit created * * * * *

(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 \$4,500 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 now provided by law. (As amended Apr. 10, 1943, c. 374, §1.)

(c) * * * * *

6033. Powers and duties of conservator.

Constitutional power of legislature to authorize general obligations of the state, and validity of proposed amendments to rural credit system laws. Op. Atty. Gen. (779b-4), Feb. 26, 1943.

6033-1. As to acquisition, lease, or sale property—Powers and duties of conservator.—The Conservator

of Rural Credit may, in the name of the State, acquire, own, hold, lease, sell and convey such property, real, personal or mixed, as may be necessary, convenient and proper for the transaction of the business of the Department; and to effect the sale of such property may, in his discretion, engage the services of brokers or agents to sell real estate and pay a commission for services so rendered of not to exceed 3% of the sale price covering such real estate provided that at least 25% of the purchase price is paid when possession thereof is given to the purchaser under the terms of such sale and of not to exceed 4% of the sale price covering such real estate provided that at least 40% of the purchase price is paid when possession thereof is given to the purchaser under the terms of such sale, and provided further that no commission shall be paid unless a sale is actually effected by said agent. (As amended Act Apr. 17, 1941, c. 287, §1.)

Sec. 2, Act 288, Apr. 17, 1941, provides that the act shall take effect from its passage.

6038. Assumption of mortgage by purchaser of land—Etc.

State's title is subject to liens for assessments for drainage improvements theretofore made, proper lien statements having been filed and recorded prior to giving of mortgage by owner to state. State v. Washington County, 207M530, 292NW204. See Dun. Dig. 245d.

The state's title to lands acquired by foreclosure of "rural credits" mortgages is subject to tax liens accruing while the mortgages were in effect, and same rule necessarily follows where state has sold land acquired through foreclosure to a purchaser who covenants to pay taxes assessed against land during continuance of his contractual ownership and whose rights thereto are subsequently canceled by statutory notice of default. Id. See Dun. Dig. 245d.

6039-1. Compositions with mortgagors—Application to district court—Review.—Whenever the Conservator upon his own initiative or upon an application by a mortgagor, 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, and whenever the Conservator, upon the written application by a contract vendee under the Crop Payment Plan who has fully complied with all the terms and provisions of his contract, is of the opinion that the real estate so sold by the State of Minnesota is worth less than the amount then due thereon and is of the opinion that the amount offered in payment by said contract vendee is commensurate with the then value of said real estate, he may enter into an amended contract for the sale of such land to such purchaser, upon the payment by said purchaser of not less than 25 per cent of such compromised purchase price, the balance thereof to be amortized over a period of not to exceed 20 years, 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, accompanied by photographs of all the buildings, said appraisal shall set forth in detail the type and nature of the land, the condition and state of repairs of the buildings, and other improvements, its location with reference to highways and markets, the amount of crops raised on said premises during the past five years immediately preceding the filing of said petition whenever available, and all such other facts as may aid said judge in arriving at a conclusion, including a report of the State Tax Commission as to the value of the land. There shall also be attached the offer of composition by the debtor and his statement setting forth his assets and liabilities signed and verified by him. The Conservator shall add his recommendation to the petition relating to the offer of the debtor. The petition and all other papers in the matter, including the orders of the court shall be filed with the clerk thereof. The Conservator shall prepare the necessary blanks for use in preparing offers and financial statements by the debtors. The court may request the debtor to be present when his offer is being considered and he may be examined with reference to it. A notice stating the time and place when the petition shall be submitted to the court shall be given by the Conservator to the debtor. Such notice shall be mailed to said debtor not less than five days previous to the court hearing of such bids. The said court at its own discretion or upon application by the Conservator may order an additional appraisal of such land, and the same shall be made and filed with the court. Such appraisal shall be made independently of appraisals theretofore made at the direction of the Conservator.

The judge of said court is hereby authorized on his own motion and the request of the Conservator to request some outside judge to assist him with a prompt disposition of the proceedings under this act. The said court shall pass on and determine all proceedings submitted to it under this act at any general of (or) special term or in chamber or during vacation of the court and all orders shall be filed within five days after the matter has been submitted. Arbitrary action of the Conservator may be reviewed by a writ of certiorari returnable in the District Court of Ramsey County, Minnesota.

Whenever the Conservator, upon the written application by contract vendee under the Crop Payment Plan who has fully complied with all the terms and provisions of his contract, requesting only an extension of time of payment thereunder, is of the opinion that such request is reasonable, may, in his discretion, extend the terms of amortization payment plan in such

contract for a period of not to exceed five years, under such terms and conditions as he may prescribe. (As amended Act Apr. 18, 1941, c. 308, §1.)

A contract vendee under crop payment plan who has received a five year extension may thereafter apply for a composition. Op. Atty. Gen. (7701), Nov. 17, 1941.

6040. Title to property to run to State of Minnesota.—(a) * * * * *

(b) The property, real, personal and mixed, acquired 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, and shall, if in his judgment 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 for an amount less than the indebtedness accrued thereon at the time of the acquisition of title by the Department, but if the Conservator shall determine that a sale of any such land cannot be made for the full amount accrued against it at the time of such acquisition and that further loss to the state would probably result if it be not then sold he may sell any such land for less than said amount 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 6039-1.

If a former owner desires to repurchase a farm heretofore mortgaged by him to the State of Minnesota and acquired by the state, either through mortgage foreclosure or by the taking of a deed, 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 6039-2, 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 he 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, within thirty days after being notified by registered mail by the Conservator regarding the same, then and in that event the Conservator is hereby authorized to offer said farm for sale on a crop payment plan as provided in Section 6039-2, with a down payment of at least fifteen per cent, 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. (As amended Act Apr. 17, 1941, c. 289, §1.)

(c). * * * * *
State of Minnesota v. Washington County, 207M530, 292 NW204; note under §6038.

6041. Certificates of indebtedness.

Constitutional power of legislature to authorize general obligations of the state, and validity of proposed amendments to rural credit system laws. Op. Atty. Gen. (779b-4), Feb. 26, 1943.

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. Temporary loans may also be made from the Rural Credit Fund to meet maturing obligations to be paid out of the Rural

Credit Interest Fund, such loans to be returned when needed to meet maturing obligations to be paid out of the Rural Credit Fund. 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 certificates. Such surplus shall be credited to a Rural Credit Reserve fund. Said fund shall, upon request of the Conservator, 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 purchasing other securities. All losses upon loans 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 expenses, shall be credited thereto. All interest earned upon the 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 State of Minnesota obligations. If at any time a surplus shall accrue in the Rural Credit fund the Conservator may invest such surplus in the same manner as any money in the Reserve fund is to be invested. Any securities purchased by said board of investment with any money in the Rural Credit fund, as herein provided, shall be sold at the request of the Conservator. (As amended Act Apr. 17, 1941, c. 288, §1.)

6048. All property shall be exempt from taxation.

Laws 1943, c. 642, provides that state shall pay to school districts amount equal to tax on lands acquired by state in operation of rural credits system.

RURAL CREDIT FUNDS

PREAMBLE

WHEREAS, Laws 1923, Chapter 225, provided for a system of Rural Credit for lending money by the state on mortgages on real estate within the state, and authorized the state to borrow money for such purpose by the issuance of bonds, and to borrow money by the issuance of certificates of indebtedness for the purpose of meeting payments of principal and interest on such borrowings which could not otherwise be met, and the good faith and credit of the state was pledged for the payment of the principal of and interest on moneys so borrowed; and,

WHEREAS, pursuant thereto, bonds were issued and sold in the amount of \$61,000,000, and there are now outstanding bonds thus issued in the principal amount of \$44,500,000 and certificates of indebtedness heretofore issued in the principal amount of \$15,540,000; and,

WHEREAS, the state of Minnesota, department of rural credit, has sustained and will continue to sustain substantial losses by reason of reduction in value of real estate and difference in interest received by it on its interest-bearing paper as against interest heretofore paid and hereafter to be paid on the bonds and certificates of indebtedness, together with cost of operation thereof; and,

WHEREAS, by reason of such losses, there will be insufficient moneys in the rural credit fund and rural credit interest fund with which to pay the principal and interest on such bonds and certificates of indebtedness when due, and such deficit will be in excess of \$40,000,000;

Use of preambles or recitals. 25MinnLawRev924.

6057-6. Rural credit funds—Certificates of indebtedness—Appropriation.—There is hereby appropriated the sum of \$40,000,000 for (a) discharging deficiencies in the rural credit fund and rural credit interest fund occurring by reason of moneys therein being insufficient to pay principal and interest payable therefrom as such principal and interest fall due on bonds and certificates of indebtedness heretofore issued or hereafter to be issued pursuant to Laws 1923, Chapter 225, and acts amendatory thereof, which appropriation is hereby made available in such

amounts and at such times as may be necessary for discharging such deficiencies as such payments fall due; and (b) for the payment of interest on certificates of indebtedness issued pursuant to this act; to be disbursed in the manner provided by law. (Act Apr. 26, 1941, c. 463, §1.) [41.33]

6057-7. Same—Tax levy.—For the purpose of providing the funds appropriated by this act, there is hereby levied upon all the taxable property in this state a tax sufficient to produce \$40,000,000, which the state auditor is hereby authorized and directed to cause to be extended and collected in the manner in which other state taxes are extended and collected, to be included in the levies spread upon the tax rolls for the years 1942 to 1965, inclusive, in amounts sufficient to produce the sum of \$1,500,000 in each of the years 1943 to 1966, inclusive, plus additional amounts sufficient to produce such sums as may be necessary to pay the interest upon certificates of indebtedness issued pursuant to the provisions of this act. In case of a deficiency in the proceeds of such tax levy for any year, the auditor shall levy sufficient additional amounts in succeeding years to compensate therefor until the full amount herein authorized has been raised. (Act Apr. 26, 1941, c. 463, §2; Apr. 14, 1943, c. 439, §1.) [41.34]

Constitutional power of legislature to authorize general obligations of the state, and validity of proposed amendments to rural credit system laws. Op. Atty. Gen. (779b-4), Feb. 26, 1943.

6057-8. Same—Disposition of proceeds of levy.—The proceeds of such tax levies and of the sale of certificates of indebtedness issued hereunder shall be credited to a special fund to be known as the rural credit deficiency fund, which is hereby created. After any certificates of indebtedness have been issued hereunder, the state treasurer shall segregate and retain in the rural credit deficiency fund, out of the proceeds of the tax levies made pursuant to Section 2 hereof, all thereof levied for the payment of interest on such certificates and as much as may be necessary of the levies specifically pledged for payment of the principal of the respective issues, and shall disburse the same only in payment of the principal of and interest on such certificates, and such moneys are hereby appropriated for such purposes. Any other moneys in said fund are hereby appropriated for and shall be transferred to the rural credit fund or the rural credit interest fund from time to time as needed to discharge the deficiencies mentioned in Section 1 hereof. Any moneys remaining in said fund after full payment of all bonds and certificates of indebtedness issued pursuant to Laws 1923, Chapter 225, or amendments thereof, and all issued pursuant to this act, shall be transferred to the revenue fund. (Act Apr. 26, 1941, c. 463, §3.) [41.35]

6057-9. Certificates of indebtedness.—The conservator of rural credit, with the approval of the executive council, is hereby authorized, in anticipation of the collection of the taxes specified in Section 2 hereof, to issue and sell certificates of indebtedness in the amount and subject to the limitations herein prescribed. Such certificates shall be known as rural credit deficiency fund certificate of indebtedness, and shall be issued only (a) when there is insufficient money in the rural credit fund or in the rural credit interest fund, as the case may be, to meet payments which are then due or about to become due and are required by law to be made therefrom for principal or interest on bonds or certificates of indebtedness and money then in the rural credit deficiency fund is not available or not sufficient for such purposes, or (b) when certificates previously issued pursuant hereto are due or about to become due or redeemable and sufficient moneys are not available in the rural credit

deficiency fund for their payment. In either case, the amount of certificates so issued shall be limited to the amount of such deficiencies. Such certificates shall mature at such time or times during the years 1944 to 1967, inclusive, as the conservator of rural credit shall determine, with the approval of the executive council, provided that the aggregate principal amount maturing in any of said years shall not exceed \$1,350,000. All certificates maturing more than three years after their date must be made redeemable at par at the expiration of such three years and on each interest payment date thereafter, upon such notice, as the conservator of rural credit, with the approval of the executive council, shall determine prior to their issuance. Any certificates may similarly be made redeemable on any interest payment date prior to the expiration of such three years. Rural credit deficiency fund certificates of indebtedness shall bear such date of issue, be of such denominations, and the principal and semi-annual interest thereon shall be payable at such place or places, as the conservator of rural credit shall determine, with the approval of the executive council. The conservator of rural credit, with approval of the executive council, may, prior to the issuance of certificates hereunder, prescribe in favor thereof such liens on, or priorities in payment from, the taxes anticipated thereby as may be found advisable. Certificates issued hereunder and interest thereon shall be payable from the rural credit deficiency fund created hereby, but if the moneys in such fund are not sufficient to pay the principal of or interest on such certificates as such principal or interest becomes due, there is hereby appropriated to the rural credit deficiency fund out of any money in the state treasury not otherwise appropriated such amounts as may be necessary to pay such deficiencies, and for the prompt payment of principal of and interest on certificates issued hereunder the full faith and credit of the state are hereby pledged. The certificates shall be in a form approved by the attorney general, shall bind the state to pay the same according to their terms, and shall be signed by the conservator of rural credit, attested by the secretary of state, and sealed with the great seal of the state, provided that facsimile signatures of the conservator of rural credit and secretary of state shall be sufficient upon interest coupons. (Act Apr. 26, 1941, c. 463, §4; Apr. 14, 1943, c. 439, §2.)

[41.36]

6057-10. Same—Offered to state board of investment.—Prior to the issuance of any rural credit deficiency fund certificates of indebtedness, the conservator of rural credit shall offer them to the state board of investment, without prior advertisement for bids, upon such terms as to interest rates and prices as the executive council shall prescribe after receiving the recommendations of the conservator of rural credit in respect thereto. Said board is hereby authorized to invest any funds under its control in such certificates and is hereby requested, but not directed, to purchase all so offered to it, to the extent it has funds available therefor. In event the board shall decline to purchase any certificates so offered to it, they shall be sold at not less than par upon competitive sealed bids after at least two weeks' published notice. The conservator of rural credit, with approval of the executive council, shall have full authority to prescribe such rules and regulations in connection with such public sale, consistent with this act, as he may find necessary or advisable. Notwithstanding that the board shall have declined to purchase the certificates on the terms offered to it, the board may bid for their purchase upon such public sale, at such prices as the board deems advisable. (Act Apr. 26, 1941, c. 463, §5.)

[41.37]

Cashier's check is a substantial equivalent of certified check where there is requirement that certified check be deposited as guarantee of good faith in execution of contract. Op. Atty. Gen. (454), Sept. 11, 1941.

6057-11. Same—Recording—Statement of conservator—Filing.—After the sale and before the delivery to the purchaser of certificates of indebtedness issued pursuant hereto, they shall be presented to the state auditor, who shall make a record showing the number, amount, date of issue, date of maturity, and interest rate of each certificate, and the state auditor or his deputy shall certify thereon that such record has been made, and after such certification the conservator of rural credit shall forthwith file with the commissioner of administration a statement showing the number, amount, date of issue, date of maturity, and interest rate of each of such certificates. (Act Apr. 26, 1941, c. 463, §6.)

[41.38]

6057-12. Construction of act.—The provisions of this act are intended to be, and shall be construed as supplemental to any and all provisions of law heretofore in force relating to the payment, funding, or refunding of rural credit bonds or rural credit certificates of indebtedness. To the extent that payment of principal or interest falling due on such bonds or certificates of indebtedness cannot be made from moneys in the respective funds from which such payments are provided by law to be made and cannot be made from proceeds of taxes levied pursuant to Section 2 hereof without anticipation thereof by the issuance of certificates of indebtedness hereunder, the conservator of rural credit may provide for such payments of any part thereof by the issuance of rural credit certificates of indebtedness in accordance with Laws 1923, Chapter 225, as amended. In event there shall be any moneys in or accruing to the rural credit fund or rural credit interest fund after full payment of all principal of and interest on bonds and certificates of indebtedness payable therefrom, (a) if there shall then be outstanding any rural credit deficiency fund certificates of indebtedness, such moneys shall be transferred to the rural credit deficiency fund to be used to pay such rural credit deficiency fund certificates of indebtedness, and thereupon tax levies directed by Section 2 hereof to be made which have not then been extended upon the tax rolls shall be reduced by amounts equal to the sum so transferred; but (b) if there are then no outstanding rural credit deficiency fund certificates of indebtedness, all of such tax levies which have not then been extended upon the tax rolls shall be cancelled and the moneys in and accruing to the rural credit fund and rural credit interest fund shall be transferred to the revenue fund. (Act Apr. 26, 1941, c. 463, §7.)

[41.39]

6057-13. Payment for certain services authorized.—Payment is hereby authorized to the Bankers Trust Company of New York, New York, for services heretofore rendered and to be hereafter rendered as paying agent for the State of Minnesota in the payment of Rural Credit bonds, Rural Credit certificates of indebtedness, Trunk Highway bonds and interest coupons on such bonds and certificates, commencing with such services rendered on and subsequent to January 1, 1942, such payment not to exceed one-tenth of one per cent on the principal amount of such bonds and certificates of indebtedness so paid, and four cents for each interest coupon so paid. Such payment shall be made from the Rural Credit Expense Fund in the case of Rural Credit bonds, certificates and interest coupons, and from the Trunk Highway Fund in the case of Trunk Highway bonds and interest coupons. The necessary sums are hereby appropriated from said funds, respectively. (Act Apr. 10, 1943, c. 373, §1.)

[41.40]

THE CO-OPERATIVE MARKETING ACT

6103. Association heretofore organized may adopt the provisions of this act.

A co-operative elevator company organized under Laws 1923, c. 326, may amend its articles of incorporation so

as to become bound by provisions of Laws 1923, c. 264. Op. Atty. Gen., (93a-2), Apr. 21, 1941.

6112. Annual license fees. [Repealed.]
 Repealed. Laws 1943, c. 334.

ACCOUNTING OF CO-OPERATIVE ASSOCIATIONS

6124. Appropriations to be expended by, etc.

Dean of Department of Agriculture, in his discretion, may withhold appropriation for payment of salary of any county agent who has not been approved by him. Op. Atty. Gen., (122a-1), May 7, 1940.

6126. Executive committee to formulate program.

Dean of Department of Agriculture is authorized to withhold approval of appointment of a county agricultural agent, notwithstanding he has been approved for re-appointment by extension committee. Op. Atty. Gen., (122a-1), May 7, 1940.

County agricultural agents are employees of the University of Minnesota and do not come under Veterans' Preference Law. Op. Atty. Gen., Aug. 1, 1940.

A county agent is an officer or employee of a governmental subdivision of the state within the meaning of §3976-17x, Mason's Minn. St. 1941 Supp. Op. Atty. Gen., (201a-4), June 27, 1941.

6127. Duties of committee.

County commissioner members are to be paid from county funds and not from extension division funds. Op. Atty. Gen. (124a), Sept. 15, 1941.

County board members who are also members of county cooperative extension committee are paid for services by county. Op. Atty. Gen. (124a), March 15, 1943.

MISCELLANEOUS

WILD RICE

6131-5. Wild rice harvested in certain lakes by Indians only.—The legislature of the state of Minnesota hereby declares that the emergency heretofore found, continues to exist in the state, and therefor it shall be unlawful prior to November 1, 1945, 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. (As amended Apr. 14, 1941, c. 217, §1; Mar. 29, 1943, c. 220, §1.)

6131-6. 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 may have a top width of not more than 36 inches and a length of not more than 16 feet or any machine or mechanical device for gathering or harvesting the grain 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. (As amended Act Apr. 14, 1941, c. 217, §2.)

6131-7. 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. It shall be unlawful for any person to have in possession any wild rice grain harvested in violation of the provisions of this act or the orders or regulations of the commissioner of conservation promulgated thereunder. (As amended Act Apr. 14, 1941, c. 217, §3.)

Indians require no wild rice license to harvest rice on government-owned waters which are not public waters of the state. Op. Atty. Gen. (240r), Aug. 17, 1943.

6131-8. Definitions—Ownership in state.

Subdivision 1. For the purposes of this act the word "person" shall include any firm, corporation, association or co-partnership.

Subdivision 2. The ownership of all wild rice grain growing in the public waters of this state insofar as it is capable of ownership, is hereby declared to be in the state and no person shall acquire any property

therein except as authorized by this act. (As amended Act Apr. 14, 1941, c. 217, §4.)

6131-9. License fees.—The fee for such license shall be 50 cents. 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 bodies of water and 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. Agents for the sale of such licenses shall be provided as close as practicable to the shore of each rice bed open for harvesting. (As amended Act Apr. 14, 1941, c. 217, §5.)

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 \$5.00. Provided this license shall not be required for the first 500 pounds of rice so purchased. (As amended Act Apr. 14, 1941, c. 217, §6.)

6131-12. Unlawful to harvest immature wild rice.—It shall be unlawful to harvest, sell or purchase immature wild rice. For the purpose of this act, immature wild rice shall be defined as any wild rice of which more than 15 per cent of the grains by count are adherent to any portion of the stalk or stem. (As amended Act Apr. 14, 1941, c. 217, §7.)

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 cultivation and harvesting of wild rice and such assistants as may be deemed necessary. The said director shall serve at the will of the commissioner and shall not be within the classified service of the state. He shall be paid such salary not to exceed the sum of \$200.00 a month as may be determined by the commissioner and for such periods during the year as may be designated by the commissioner, together with 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 such 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 in addition to the paid assistants appointed by the commissioner, 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 lake or rice bed or close the same upon the recommendation and report of the said director of rice harvest, notice of said season to be published five days, or less, in advance. (As amended Act Apr. 14, 1941, c. 217, §8.)

6131-16. Definition.—The term "family" for the purpose of this act is defined as the immediate family, i.e., husband and wife and minor children having their abode and domicile with such parent or legal guardian, and wards so domiciled. (As amended Act Apr. 14, 1941, c. 217, §9.)

POTATO SEED INSPECTION

6130-1. Definitions.

Agricultural seed inspection, §§3957-27 to 3957-30.

6139-2. Inspection and certifying of seed potatoes authorized—Creation of demand and sale.—The inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes by or under the direction of the commissioner as herein provided, is hereby authorized. (As amended Act Apr. 10, 1941, c. 197, §1.)

6139-3. Duties of commissioner—Forms—Records—Officers, inspectors and employees.—The commissioner is hereby authorized and it is made his duty to provide the means and direct the work for the inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes. He shall provide such forms as are necessary and keep a record of the work performed, and shall appoint, designate or employ such officers, inspectors and employees as may be deemed necessary and fix their compensation. (As amended Act Apr. 10, 1941, c. 197, §2.)

6139-8. Inspections — Certifications. — Any person may make application to the commissioner for inspection and/or certification of his seed potatoes growing or to be grown. Upon receiving such application and the required fee and such other information as may be required, the commissioner shall cause such potatoes to be inspected and/or certified in accordance with the provisions of this act and the rules and regulations adopted and published hereunder.

If a grower wishes to withdraw his field after having made application for inspection and such withdrawal is made before July 1st of the year in which application is made, the fee which he has paid shall be refunded to him. (As amended Mar. 27, 1943, c. 205, §1.)

6139-11. Violations — Penalties.—(a) Any person violating any of the provisions of this act or any rule or regulation adopted or published by the commissioner hereunder, shall be guilty of a misdemeanor and upon conviction for a first offense shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than ten days nor more than 90 days, and for each second and subsequent offense by a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than 30 days nor more than six months.

(b) Upon conviction for such second offense the commissioner shall refuse the violator the privilege of handling certified seed potatoes in any way, shape or form during the season in which such second offense was committed. (As amended Mar. 27, 1943, c. 205, §2.)

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

6145-5. Inspection of nursery stock—certificate.
State is without power to regulate sale and distribution of surplus nursery stock by the federal government. Op. Atty. Gen. (923c), May 8, 1942.

NOXIOUS BUSHES AND WEEDS

6151. Commissioner of Agriculture to make an enforce regulations; etc.

Cost of removing weeds from state lands can only be met out of an appropriation for that purpose and there is no authority for assessing such cost against land. Op. Atty. Gen. (322G), Aug. 8, 1941.

6153. Occupants or owners of land to destroy noxious weeds.

Landowners cannot be compelled to mow grass and weeds on township roads, law being limited to noxious weeds. Op. Atty. Gen. (322g), Feb. 26, 1941.

Weed inspector is given authority to specify what method of eradication or destruction shall be adopted and require occupant to use sodium chlorate solution, over his objection that it would be dangerous to humans, particularly children, unless as a matter of fact it would be dangerous to humans. Op. Atty. Gen. (322g), July 20, 1942.

County is not authorized to buy and sell sodium chlorate to farmers and townships in the control and destruction of weeds. Op. Atty. Gen. (322b), Nov. 18, 1943.

6155. Destruction of noxious weeds on public highways.

Landowners cannot be compelled to mow grass and weeds on township roads, law being limited to noxious weeds. Op. Atty. Gen. (322g), Feb. 26, 1941.

Expense of destruction of noxious weeds on town road may be included in tax. Op. Atty. Gen. (322a-2), Oct. 8, 1943.

6157. Local weed inspectors.

Township weed inspector has no jurisdiction to take action regarding noxious weeds within limits of a village separated from township for local government and assessment purposes. Op. Atty. Gen. (322f), July 30, 1940.

6158. Duties of local weed inspectors, etc.

Neither the county board nor the township or county weed inspector has any authority to prevent the hauling of loose flax straw along the roads and highways in order to prevent the scattering of noxious weed seeds. Op. Atty. Gen., (322g), July 9, 1941.

6161. Notices—Expenses—Lien.

County board may not furnish chlorate to farmers for the control of Jenny. Op. Atty. Gen., (322G), August 1, 1939.

A weed lien is good as against mortgagee who subsequently obtained possession of the land. Op. Atty. Gen., (322a-2), Nov. 7, 1939.

Charges are enforceable against land and not against owner personally. Op. Atty. Gen., (322G), Jan. 17, 1940.

Officer rendering service in destroying weeds on land within a village should furnish statement of expenses to clerk, who should thereafter issue an order for payment and should certify amount thereof to county auditor for extension on tax books. Id.

Officer rendering service in destroying weeds in a township outside of an incorporated village should file a verified statement of his expenses with county auditor, and that officer should pay him amount thereof, and thereafter extend it on tax books as a lien against land. Id.

Residence or non-residence of land owner is immaterial. Id.

This section gives no right to a lien for weeds destroyed pursuant to §6164-4 to §6164-11. Op. Atty. Gen., (322g), Jan. 31, 1940.

Cost of removing weeds from state lands can only be met out of an appropriation for that purpose and there is no authority for assessing such cost against land. Op. Atty. Gen. (322G), Aug. 8, 1941.

6164-1. County weed inspector may be appointed.

It is the duty of county board to enforce this act. Op. Atty. Gen. (322a-3), May 27, 1943.

6164-2. County board may fix compensation.

There does not appear to be a statute authorizing a tax levy for express purpose of weed eradication, although it is a legitimate item to be considered by county board in making up its budget to replenish the general revenue fund. Op. Atty. Gen. (322a-2), Aug. 18, 1942.

6164-4. Commissioner of agriculture to enforce act; etc.

Reimbursements by counties and townships of expenditures out of primary noxious weed fund must now be deposited in general revenue fund by virtue of Laws 1941, c. 548, §48. Op. Atty. Gen. (9A-3), Aug. 6, 1941.

Commissioner of agriculture, and not county board, is to enforce this act and may engage employees for the purpose and cannot pay money to the county for such enforcement. Op. Atty. Gen. (322a-3), May 27, 1943.

6164-9. Expenses to be paid from fund provided—Territory within a municipality.

County board may not furnish chlorate to farmers for the control of Jenny. Op. Atty. Gen., (322G), August 1, 1939.

(a) Such time as a state inspector devotes to supervising administration upon any particular tract of land should properly be considered a part of "field operation", but there should not be any reimbursement for salaries of state inspectors engaged only in general administration of the law. Op. Atty. Gen., (322a-2), April 1, 1940.

(c) Municipality is not entitled to reimbursement by way of a lien upon the land. Op. Atty. Gen., (322g), Jan. 31, 1940.

COMMISSIONER MERCHANTS

6197. Definition—License—Bond.

Flax straw or tow. Laws 1943, c. 546.
State v. Marcus, 210M576, 299NW241; note under §6240-18½a.

6204. Commission merchants prohibited from being interested in sales.

Contract permitting the farmer's union to buy grain, under certain conditions, consigned to it for sale would be contrary to public policy of the state. Op. Atty. Gen. (215b-2), Aug. 23, 1943.

COLD STORAGE

6207. Definitions.—For the purpose of this act "Cold Storage" shall mean the storage or keeping of articles of food in a cold storage warehouse or in any refrigerated space leased for public use other than an individual locker. The term "Cold Storage Warehouse" shall mean and include every place other than an individual locker, whether a single room or enclosed space, or a group of rooms that is cooled, mechanically, or by any artificial means whatever, including the cooling by use of ice, in which articles of food are placed and held for thirty days or more.

For the purposes of this act any room or rooms in a cold storage warehouse, leased, controlled and operated apart from the general storage business of such warehouse and to which the general public has not access for storage purpose, is hereby declared a separate cold storage warehouse, subject to licensing and supervision under this act.

Refrigerator cars and ships, when used solely for the transportation as distinguished from the storage of foods shall not be regarded as cold storage warehouses, nor shall the ice boxes of retail food establishments, private homes, hotels or restaurants, and chill-rooms used only for the holding of food for periods of less than thirty days be so regarded. The Commissioner shall, however, for the proper enforcement of the law, have the right of inspection of such chill-rooms and as well of the food held therein: "Articles of food" shall mean fresh meat and fresh meat products and all fish, game, poultry, eggs, butter, butter substitutes and lard substitutes intended for either human or animal consumption. For the purposes of enforcing sanitation and public health and in order to make public all current tariff rates and the total amount of cold storage holdings, all other articles of food not hereinbefore specifically mentioned shall be included and come under the provisions of this act and for these purposes shall be subject to such inspection rules and regulations as may be prescribed by the Commissioner of Agriculture. (As amended Mar. 30, 1943, c. 232, §1.)

6208. Licenses, fees, etc.

Operator of cold storage room in which meat and fish intended for consumption by mink and other animals are cooled must be licensed. Op. Atty. Gen. (645b-8), June 29, 1942.

6213. Marking articles of food.—No person, firm or corporation shall place, receive or keep in any cold storage warehouse in this state, articles of food unless the same shall be plainly marked, stamped or tagged, either upon the container in which they are packed, or upon the articles of food itself, with a lot number; and no person, firm or corporation shall remove or allow to be removed such articles of food from any cold storage warehouse unless the same shall be plainly marked, stamped or tagged, either on the container in which it is enclosed or upon the article of food itself, with the lot number, and such marks, stamps and tags shall be prima facie evidence by which to trace the receipt, and removal, and of the date thereof. It shall be unlawful to remove, deface, add to, alter, or change any mark, or marks placed upon the container, wrapper or upon the articles of food itself, or upon the label or tag attached thereto, which marks are required under the provisions of this act, or in compliance with regulations adopted by the Commissioner of Agriculture or under the provisions of the cold storage act of any other state, without permission of the Commissioner of Agriculture or under his direction.

If the articles of food are stored by the lessee of a room or rooms in a cold storage warehouse, the said

lessee shall be responsible for the goods placed by him or his employes in said leased space, and also for the placing upon them of the required marks. Cold storage products, as defined in this act, may be removed from one container to another for the purpose of grading or repacking into more convenient commercial form, either during cold storage or at the time of withdrawal therefrom providing that the old container was properly marked; the lot number or numbers, shall be marked also upon the new container. (As amended Mar. 30, 1943, c. 232, §2.)

6214. Length of storage period.—No person, firm or corporation shall keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the state for a longer aggregate period than twelve months, except with the consent of the Commissioner of Agriculture, as herein provided.

The Commissioner upon written application made and presented during the twelve months' period may extend the allowable storage period for any particular article of food, provided the same upon examination is found to be in proper condition for further cold storage. If the Commissioner shall grant the application for such further cold storage period he shall enter an order specifying the period for which such additional storage may be permitted. The Commissioner shall make written report on each case in which such extension of storage is granted, including therein the information relating to the reason for the action taken, specifying the kinds and amounts of the articles of food covered by such extension order and the length of time for which the extension is granted, and this report and the order based thereon shall be kept on file in the office of the Commissioner at all times open to the public.

In case the owner of any article of food in storage in a cold storage warehouse fails or refuses to remove the same before the expiration of the period of time within which the storage may lawfully be continued, then and in such case the Commissioner may sell or order the same to be sold under a procedure specified by the Commissioner. (As amended Mar. 30, 1943, c. 232, §3.)

6216. Display of placards. [Repealed.]

Repealed. Laws 1943, c. 232, §4.

6217. Dealers' penalties. [Repealed.]

Repealed. Laws 1943, c. 232, §4.

WHOLESALE PRODUCE DEALERS

6240-18½. Wholesale dealers of produce.—For the purposes of this act any person who shall buy or sell or contract to buy or sell, or who shall handle in wholesale lots for the purpose of resale, or who shall handle on account of or as an agent for another, any produce as herein defined, and any person who shall similarly engage in the business of assembling and trucking produce without an established place of business, shall be deemed a dealer at wholesale; provided that cooperative associations having not more than forty per cent (40%) of non-member patrons shall not be deemed dealers at wholesale within the meaning of this Act; provided further, that no person shall be deemed a dealer at wholesale within this act who purchases, and pays, in cash, in full at the time of purchase, Minnesota seasonal grown products of the farm, orchard, vineyard, garden and apiary for transportation to destinations outside of this state and who within 72 hours thereafter transports the same to its destination outside of this state, or who handles and deals in canned milk only and purchases the same through condenseries. (Act Apr. 19, 1941, c. 318, §1; Apr. 6, 1943, c. 312, §1.) [27.02]

Act Apr. 19, 1941, c. 318, §2, provides that the provisions of this act shall be separable, and if any provision or the application of any provision hereof shall be held unconstitutional, or invalid, it shall not affect any other provision or application thereof.

Every wholesale ice cream manufacturer is required to comply with conditions of act, secure license and file bond, notwithstanding that they do not deal directly with producer but obtain cream from Twin City Milk Producers Association. Op. Atty. Gen., (832J-2), March 18, 1940.

Act is constitutional. State v. Marcus, 210M576, 299NW 241. See Dun. Dig. 1675.

Pickle factories and commercial canneries are "dealers at wholesale." Op. Atty. Gen. (832J-10), Aug. 4, 1941, superseding Nov. 10, 1925, July 28, 1931, Oct. 29, 1937.

Persons who make purchases upon products and at time of purchase tender, not cash, but a check or draft, do not come within exception and must be licensed. Op. Atty. Gen. (832H), Oct. 1, 1941.

Co-operative creamery associations equipped to process skim milk and other dairy products and required to supply such products under Lend Lease Act and deal directly with other co-operative creamery associations who are members thereof and operating within the law can do so without jeopardizing their exemption under the Wholesale Produce Dealers Act, since when such processing co-operative associations deal directly with creamery associations which have corporation membership therein, they are not dealing directly with members of latter who should not be considered as non-member patrons. Op. Atty. Gen. (832d), June 22, 1942.

Law is inapplicable to business to be done under certain canning contracts. Op. Atty. Gen. (832j-10), Nov. 26, 1943.

6240-18 1/2 a. Definitions.—The term "produce" as used in this act * * * * *

(a) to (d) * * * * *

(e) The term, "creamery" shall mean any establishment where butter or cheese are manufactured, or where milk or cream, or any product of milk, is processed or prepared for market. (As amended Act Apr. 16, 1943, c. 479, §1.)

Exemption of hay, grain, straw, and livestock, other than veal, does not constitute an arbitrary distinction, because they are regulated by other statutes. State v. Marcus, 210M576, 299NW241. See Dun. Dig. 1675.

Oysters are "fish". Op. Atty. Gen., (832J-3), March 12, 1940.

(d). Leasure v. Clarkin, 8NW(2d)521; note under §6240-18 1/2 c(b), 27.01(5).

(e).

Added. Laws 1943, c. 479.

6240-18 1/2 c. Licenses—Fees—Bonds.

Allowing commissioner to set amount of bond is not unlawful delegation of legislative power. State v. Marcus, 210M576, 299NW241. See Dun. Dig. 1600.

In proceeding to enforce bond it was not necessary to plead fact of agency or authority of agent acting for defendant wholesaler. Rausch v. Aronson, 211M272, 1NW (2d)371. See Dun. Dig. 3776 to 3782.

Evidence held to sustain finding that persons selling eggs had no notice or knowledge that agent for wholesaler was acting contrary to his instructions and in fraud of his principal's interests. Id.

In proceeding to enforce conditions of bond, burden was upon plaintiffs to prove that buyer with whom they dealt was agent of wholesale dealer. Id.

In action by creamery upon bond of dealer in butter wherein verdict was against dealer and surety, and court rendered judgment for surety, court on appeal did not consider contention of surety that creamery knew that dealer was insolvent at time bond was procured and yet undertook to pay a portion of premium on bond and that this relieved bonding company of its liability, evidence of this knowledge being such that it became a question for jury, and such question was not submitted to jury and record shows no request that it be submitted. Trovatten v. Minea, 213M544, 7NW(2d)390, 144ALR263. See Dun. Dig. 244b.

Where sale of butter was made to principal alone in bond, addition of liability of wife of principal also for purchase price did not increase risk of surety or affect liability. Id.

Fact that principal conducts his business through subordinates or agents does not relieve surety from liability in absence of an express provision to contrary. Id.

Liability of a surety for one or more principals does not extend to acts performed by such principals jointly with others. Id.

In action on bond evidence held to sustain finding that sales of butter were in fact made to principal alone and not to him and another jointly. Id.

Provision requiring notice of default within 30 days after the due date applies to consignments, and surety on bond is not liable in absence of a notice within that time. Leasure v. Clarkin, 214M420, 8NW(2d)521. See Dun. Dig. 244b.

Where wholesale produce dealer's license expired before order of commissioner revoking license could be reviewed by certiorari, case was moot and writ was discharged. Dehning v. Marshall Produce Co., 215M339, 10NW(2d)229. See Dun. Dig. 463, 1402.

(b). Bond of a nonresident covered purchase of eggs personally solicited in this state, though transaction was consummated by telephone from another state and eggs were delivered to a common carrier and transported to other state. Op. Atty. Gen. (832b), Dec. 5, 1941.

(d).

Wholesale Produce Dealers' License fees received with applications for licenses which were not received for any reason may not be refunded. Op. Atty. Gen. (196S), Jan. 13, 1941.

6240-18 1/2 e. Aggrieved parties may file complaint with commissioner.

Where at time of filing of complaint due date of some items antedated filing by a sufficient time to render them uncollectible in the proceedings, and thereafter an arrangement was made whereby produce dealer made a number of payments without any agreement as to application thereof, creditor could apply payments to the uncollectible items, and bondsman could not complain thereof though it had no notice of the filing of the complaint. Op. Atty. Gen., (832k-3), Oct. 24, 1939.

A person who sells oysters to a licensed wholesale produce dealer is protected by bond. Op. Atty. Gen., (832J-3), March 12, 1940.

The fact that the former manager of a corporation against which a complaint had been brought had entered the federal military service is no ground for continuance of the hearing provided for in this section, under the Soldiers and Sailors Civil Relief Act of 1940, and this is true even though manager was a stockholder. Op. Atty. Gen., (832-K-3), July 3, 1941.

6240-18 1/2 f. Commissioner to establish grades.

Title at a sale passed before grading. Radloff v. Bragmus, 214M130, 7NW(2d)491. See Dun. Dig. 244b, 8511.

Commissioner of Agriculture may enter into a cooperative agreement with United States Department of Agriculture whereby inspectors of state department are licensed by United States department to inspect and grade and issue federal, or federal-state grading certificates, though fees covering grading certificates are collected and paid directly into federal treasury, which in turn refunds state portion of grading fees to state treasury, subject to approval of attorney general. Op. Atty. Gen. (136), Sept. 5, 1940.

Disposition of fund is regulated by Laws 1941, c. 548, §25, 48. Op. Atty. Gen. (136), June 9, 1942.

Commissioner of agriculture may not disburse funds for purpose expressed in sections without being subject to control and supervision of the commissioner of administration. Op. Atty. Gen. (136), June 9, 1942.

6240-18 1/2 n. May co-operate with the United States department of agriculture.

Commissioner of Agriculture may enter into a cooperative agreement with United States Department of Agriculture whereby inspectors of state department are licensed by United States department to inspect and grade and issue federal, or federal-state grading certificates, though fees covering grading certificates are collected and paid directly into federal treasury, which in turn refunds state portion of grading fees to state treasury, subject to approval of attorney general. Op. Atty. Gen. (136), Sept. 5, 1940.

6240-18 1/2 o. Violations—Penalties.

Fines collected under this act should be paid to county treasurer. Op. Atty. Gen. (135a-4), Nov. 26, 1940.

BUYERS OF DOMESTIC FOWLS

6240-19. Buyers of domestic fowls—Dealers register.—Every person who engages in the business of buying chickens, turkeys, or other domestic fowl of any kind shall keep and maintain a complete record of all such transactions in a ledger or other suitable book of account permanently bound, which for the purposes of this Act shall be known as such dealer's register. In such register he shall enter a complete record of each purchase of chickens, turkeys, or other domestic fowl, to which he was a party; and shall show the name and address of the person from whom the same was bought, and, when the transaction is with a person other than a regular customer of the buyer from whom the buyer has made similar purchases within one year from the date of such transaction, the means by which the same were transported to the place of purchase, the type of conveyance, and if by truck or other motor vehicle the license number of such truck or motor vehicle, the date of such purchase, and the number, kind, species and a general description of all such chickens, turkeys, or other domestic fowl involved in such transaction. (As amended Act Mar. 3, 1943, c. 102, §1.)

DISCRIMINATION IN PURCHASE OF FARM PRODUCTS

6248-3. Discrimination prohibited.

Act is still valid with respect to those cases where cost of transportation can be ascertained with reasonable certainty. Op. Atty. Gen. (135a-3), Jan. 4, 1941.

FLAX STRAW OR TOW

6248-10. Purchasers of flax straw shall obtain licenses—Bond.—Any person, firm or corporation, other than a commission merchant, as defined in Mason's Minnesota Statutes of 1927, Section 6197, who shall purchase flax straw or flax tow for the purpose of resale shall first procure a license therefor from the Minnesota Railroad and Warehouse Commission, hereafter called the commission, before transacting such business. Such license shall be renewed annually, and shall expire on June 30. The license fee for each such buyer shall be \$5.00. Before any such license shall be

issued, the applicant therefor shall file with the commission a bond to the state, with corporate surety approved by the commission, in the penal sum of not less than \$1,000.00, conditioned that the applicant will pay upon demand the purchase price of such flax straw or flax tow. (Act Apr. 20, 1943, c. 546, §1.) [223.12]

6248-11. Unlicensed purchasers to be guilty of misdemeanor.—Any such person, firm or corporation purchasing flax straw or flax tow for resale without first obtaining such license shall be deemed guilty of a misdemeanor. Each unlicensed purchase shall constitute a separate offense for which such person, firm or corporation shall forfeit to the state \$25.00, and in addition thereto, such unlicensed purchaser may be enjoined upon complaint of the commission. (Act Apr. 20, 1943, c. 546, §2.) [223.12]

CHAPTER 39

Bounties and Rewards

6249. For timber growing—Appropriation.—Every person who shall plant one acre or more of land with forest trees of any kind other than black locust, and shall keep such trees growing in a thrifty condition, and not more than twelve feet apart either way, replacing yearly such as may die, or who shall maintain and manage an existing stand of timber on one acre or more of land, the owner residing thereon, such stand of timber shall not be less than 600 forest trees per acre, well spaced; shall receive from the state two dollars and fifty cents per acre therefor for six successive years, not exceeding, however, twenty-five dollars in any one year. This section shall not apply to any railway company, to any person who has already received such compensation, nor to any person planting trees in compliance with an act of Congress approved March 3, 1873, relating to the growth of timber on western prairies, or any act amendatory thereof. The sum of \$2,500 for the fiscal year ending June 30, 1942, and the sum of \$2,500 for the fiscal year ending June 30, 1943, is hereby appropriated for the purposes of making such payments. (As amended Act Apr. 22, 1941, c. 365, §1.)

Municipal corporation owning property and administering it for public purposes is a resident of such property entitled to benefits of act. Op. Atty. Gen. (203h-9), May 22, 1942.

6254. Bounties on wolves and foxes.—Subdivision 1. Every person who shall kill a wild wolf or fox in this state, not having at the time spared the life of any other such wolf or fox he could have killed, shall upon compliance with the provisions of Mason's Supplement 1940, Sections 6254 to 6258, be rewarded in the sum of \$15.00 for each adult wolf 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.

Subdivision 2. Every person who shall kill a wild fox in this state, not having at the time spared the life of any other such fox he could have killed, shall upon compliance with the provisions of Mason's Supplement 1940, Sections 6254 to 6258, as amended, be rewarded in such sum as the board of county commissioners of the county in which the fox is killed may have determined and established for each adult and cub fox, to be paid from the county revenue fund. The state shall reimburse each county for one-half of all rewards for wild fox killed therein, but the amount of state reimbursement shall not in any event exceed \$2.00 for each adult fox and \$1.00 for each cub fox.

Subdivision 3. Any county board may add to such reward and appropriate county funds therefor.

Subdivision 4. For the purposes of Mason's Supplement 1940, Sections 6254 to 6258, any wolf or fox killed before September 1st of the year in which it was born shall be deemed to be a cub, and any wolf or fox killed on or after said date, if physically mature, though not full grown, shall be deemed to be an adult wolf or fox. (As amended Mar. 27, 1943, c. 200, §1.)

Harboring wolves in an enclosure without any permit is not an offense against game laws, provided they do not propagate, but harboring of wolves might disqualify an individual from collecting bounties on others which he killed. Op. Atty. Gen. (210D-3), Aug. 15, 1941.

6255. Claim to wolf or fox bounty—When and how made.—(a) Within thirty days after the killing, the claimant shall produce the entire carcass of the animal in the presence of two witnesses, to the clerk of the town, wherein the animal was killed, or, if the animal was killed in unorganized territory, to the nearest town clerk in the same county, and shall make and deliver to the town clerk a written statement of his claim under oath, in duplicate, describing the animal as adult or cub, as the case may be, specifying the time and place of the killing thereof by the claimant, and stating that he did not on that occasion spare the life of any wild wolf or fox he could have killed. All animals produced at any one time shall be included in one statement.

(b) The clerk shall examine each carcass produced in the presence of witnesses, and shall make such further investigation as may be necessary to verify the statements of the claimant. For the purposes of such investigation the clerk may examine under oath with respect to any pertinent matter the claimant and any other persons having knowledge of the facts, and may attach a statement of such investigation and examination to the statement of the claim. The toes of both front feet of the animal shall then be removed in the presence of the clerk and the two witnesses.

(c) The claimant may then remove the hide, including the scalp and ears, and shall then bury, destroy, or otherwise properly dispose of the remainder of the carcass. (As amended Mar. 10, 1943, c. 111, §1; Mar. 27, 1943, c. 200, §2.)

6258. Penalties.—Every person who shall fraudulently claim or obtain any reward for the killing of a wolf or fox, or issue any fraudulent or unauthorized certificate or warrant therefor, or claim reward upon a wolf or fox which he has in any way protected, or upon any tame or captive wolf or fox, either full blood or crossed, or upon the off-spring of any tame or captive wolf or fox, shall be guilty of a gross misdemeanor, the punishment for which shall be a fine of