

Agriculture

CHAPTER 17

DEPARTMENT OF AGRICULTURE, DAIRY, AND FOOD.

17.01 CREATION.

HISTORY. 1919 c. 444 s. 1; 1921 c. 78 s. 1; 1923 c. 261 s. 1; G.S. 1923 s. 6023; M.S. 1927 s. 6023; 1929 c. 387; M. Supp. s. 53-27½.

17.02 TRANSFER OF POWERS, DUTIES, AND AUTHORITY.

HISTORY. 1925 c. 426 art. 7 s. 1; M.S. 1927 s. 53-36; 1929 c. 387; M. Supp. s. 53-27½.

17.03 POWERS AND DUTIES.

HISTORY. 1919 c. 444 s. 2; 1921 c. 78 s. 2; 1923 c. 261 s. 2; G.S. 1923 s. 6024; M.S. 1927 s. 6024; 1945 c. 27.

The duty imposed by Laws 1931, Chapter 394, on the commissioner of agriculture generally to enforce the law against wholesale dealers in produce (in this case one unlawfully doing business without a license), involves the exercise of judgment and discretion and so is not in the class of ministerial official duties, non-performance of which may result in liability of one proximately damaged by the non-feasance. *Cook v Trovatten*, 200 M 221, 274 NW 165.

FARM CENSUS. An assessor is entitled to no additional compensation for taking the farm census distinct from that received for his other duties but he does receive increased compensation since he is paid on a per diem basis. 1934 OAG 868.

17.04 ENFORCEMENT OF LAWS; APPOINTEES.

HISTORY. 1921 c. 495 s. 6; G.S. 1923 s. 3793; M.S. 1927 s. 3793.

LIABILITY FOR NONFEASANCE attaches only when the duty is ministerial. The duty of the commissioner to enforce the law against unlicensed dealers at wholesale in produce is not ministerial. *Cook v Trovatten*, 200 M 221, 274 NW 165.

17.05 SALARIES.

HISTORY. 1921 c. 495 s. 7; 1921 c. 520 s. 1; 1923 c. 183 s. 1; G.S. 1923 s. 3794; M.S. 1927 s. 3794.

17.06 EXPENSES.

HISTORY. 1919 c. 316 s. 2; 1921 c. 520 s. 2; G.S. 1923 s. 3795; M.S. 1927 s. 3795.

17.07 APPROVAL OF EXPENDITURES.

HISTORY. 1925 c. 426 art. 7 s. 2; M.S. 1927 s. 53-27.

17.08 LABORATORY; REPORTS.

HISTORY. 1921 c. 495 s. 8; G.S. 1923 s. 3797; M.S. 1927 s. 3797.

17.09 INFORMATION PUBLISHED.

HISTORY. 1919 c. 444 s. 6; 1921 c. 78 s. 5; 1923 c. 261 s. 5; G.S. 1923 s. 6027; M.S. 1927 s. 6027.

17.10 BIENNIAL REPORTS.

HISTORY. 1919 c. 444 s. 8; 1921 c. 78 s. 7; 1923 c. 261 s. 6; G.S. 1923 s. 6028; M.S. 1927 s. 6028.

17.11 INVESTIGATIONS.

HISTORY. Ex. 1919 c. 47 s. 1; G.S. 1923 s. 6241; M.S. 1927 s. 6241.

17.12 PUBLICATION OF REPORTS AND INFORMATION.

HISTORY. Ex. 1919 c. 47 ss. 2, 3; G.S. 1923 ss. 6242, 6243; M.S. 1927 ss. 6242, 6243.

17.13 COOPERATE WITH FEDERAL AUTHORITIES.

HISTORY. Ex. 1919 c. 47 s. 5; G.S. 1923 s. 6245; M.S. 1927 s. 6245.

17.14 DEFINITIONS.

HISTORY. 1927 c. 262 s. 2; 1935 c. 100 s. 1; 1937 c. 420 s. 1; M. Supp. ss. 6248-2, 10522-4.

17.15 DISCRIMINATION PROHIBITED.

HISTORY. 1927 c. 252 s. 3; M. Supp. s. 6248-3; 1937 c. 420 s. 2; 1945 c. 122.

JURISDICTION. A justice of the peace has no jurisdiction over any offense committed contrary to this section. 1938 OAG 190.

CONSTITUTIONALITY. The portion worded "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—shall be deemed guilty of unfair discrimination" is so uncertain as to deny due process. *State v Northwest Poultry & Egg Co.*, 203 M 438, 281 NW 753.

An earlier statute similar to this except that it failed to include a provision for meeting competition was held unconstitutional as an interference with contract. *Fairmont Creamery Co. v State of Minnesota*, 274 U.S. 1, 47 Sup. Ct. 506, 71 L. Ed. 893, reversing 168 M 378, 210 NW 163.

The justice of the peace does not have jurisdiction of violations of Laws 1937, Chapter 420. 1938 OAG 190, July 15, 1937 (226b-21).

17.16 PRIMA FACIE EVIDENCE OF DISCRIMINATION.

HISTORY. 1927 c. 252 s. 4; M. Supp. s. 6248-4.

17.17 COMPLAINTS; INVESTIGATIONS; PROSECUTIONS; FORFEITURES; INJUNCTIONS.

HISTORY. 1927 c. 252 s. 6; M. Supp. s. 6248-6.

17.18 PROSECUTIONS INSTITUTED BY OTHERS.

HISTORY. 1927 c. 252 s. 8; M. Supp. s. 6248-8.

17.19 CONSTRUCTION.

HISTORY. 1927 c. 252 s. 9; M. Supp. s. 6248-9; 1937 c. 420 s. 3.

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17.20 FERTILIZERS; INGREDIENTS STATED.

HISTORY. 1915 c. 251 s. 1; G.S. 1923 s. 3896; M.S. 1927 s. 3896.

17.21 CERTIFIED COPY OF CERTIFICATE FILED WITH COMMISSIONER.

HISTORY. 1915 c. 251 s. 2; G.S. 1923 s. 3897; M.S. 1927 s. 3897; 1945 c. 42.

17.22 REPORTS; ANALYSIS OF SAMPLES.

HISTORY. 1915 c. 251 s. 3; G.S. 1923 s. 3898; M.S. 1927 s. 3898.

17.23 CONSERVATION OF CERTAIN WILD FLOWERS.

HISTORY. 1925 c. 409 ss. 1, 2, 3; M.S. 1927 ss. 10522-1, 10522-2, 10522-3; 1935 c. 100 s. 1.

STATE FLOWER. Transplanting cypripedium reginae from its wild state to a home garden does not violate this act. 1930 OAG 336.

17.24 ENFORCEMENT.

HISTORY. 1919 c. 444-3; Ex. 1919 c. 47 s. 4; 1921 c. 78 s. 3; 1923 c. 261 s. 3; G.S. 1923 ss. 6025, 6244; 1927 c. 252 s. 5; M.S. 1927 ss. 6025, 6244; M. Supp. s. 6248-5.

See Cook v Trovatten, 200-M 223, 274 NW 165.

It is not necessary that every corporation doing a creamery business should be incorporated as a creamery association. In the present instance the time limit having expired, there is no relief but in legislative action. 1938 OAG 107, Feb. 10, 1937 (93a-33).

17.25 ATTORNEY GENERAL TO ADVISE COMMISSIONER.

HISTORY. 1919 c. 444 s. 4; 1921 c. 78 s. 4; 1923 c. 261 s. 4; G.S. 1923 s. 6026; M.S. 1927 s. 6026.

17.26 ANNUAL REPORT TO COMMISSIONER.

HISTORY. 1897 c. 351 s. 3; R.L. 1905 s. 3078; G.S. 1913 s. 6486; G.S. 1923 s. 7829; M.S. 1927 s. 7829.

17.27 ANNUAL REPORTS BY CERTAIN CORPORATIONS.

HISTORY. 1907 c. 293 s. 2; G.S. 1913 s. 6488; G.S. 1923 s. 7831; M.S. 1927 s. 7831.

17.28 ANNUAL REPORTS BY CERTAIN ASSOCIATIONS.

HISTORY. 1919 c. 382 s. 10; 1921 c. 23 s. 10; 1923 c. 326 s. 9; G.S. 1923 s. 7842; M.S. 1927 s. 7842.

17.29 VIOLATIONS; PENALTIES.

HISTORY. 1915 c. 251 s. 4; G.S. 1923 s. 3899; 1927 c. 252 s. 7; M.S. 1927 s. 3899; 1941 c. 371 s. 6; M. Supp. s. 6248-7.

17.30 STANDARD GRADES FOR APPLES.

HISTORY. 1941 c. 371 s. 1.

17.31 PACKAGES OF APPLES PLAINLY MARKED.

HISTORY. 1941 c. 371 s. 2.

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17.32 ENFORCEMENT OF SECTIONS 17.30 to 17.33.

HISTORY. 1941 c. 371 s. 3.

17.33 APPLICATION.

HISTORY. 1941 c. 371 s. 5.

17.34 PERMITS OR LICENSES ISSUED TO COMMON CARRIERS FOR SALE OF CIGARETTES ON CARS.

HISTORY. 1941 c. 242 s. 6; 1941 c. 405 s. 6.

Under the provisions of Laws 1941, Chapter 405, municipalities by ordinance may license dealers in cigarettes. The county board may do so likewise in all county territory outside of the cities, villages and borough. 1942 OAG 157, Sept. 25, 1941 (829c-1).