

1934 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1934)
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



Edited by

WILLIAM H. MASON, Editor-in-Chief
W. H. MASON, JR. }
R. O. MASON } Assistant Editors
J. S. O'BRIEN }

CITER- DIGEST CO.
SAINT PAUL, MINNESOTA.
1934

3945-7. Determination of controversies.—In determining controversies and standards between the parties as to the quality and condition of potatoes offered for sale or tendered in performance of contracts for sale in this state, the certificates of a duly authorized and commissioned inspector of the State of Minnesota shall be prima facie evidence both of the grade and quality of the potatoes offered for sale or tendered in performance of any contract and of the amount of tolerance existing in the designated quantity of said potatoes at the time and place at which said inspection is made. (Act Mar. 18, 1931, c. 70, §7.)

3945-8. Not to pay inspectors.—No person shall directly or indirectly hire, or pay the compensation of any inspector whose duty it is to determine the grade or quality of potatoes offered or exposed for sale in the State of Minnesota, other than the State of Minnesota whose duly constituted officers shall in due form and accordance with law issue commissions to inspectors duly authorizing and empowering them to act as such.

Nothing herein shall prevent any person paying the proper inspection fees, duly established to the proper persons duly authorized to receive the same, but the payment or allowance of any gratuity, commission or allowance in addition thereto shall constitute the crime of bribery and shall be punished by law as such. (Act Mar. 18, 1931, c. 70, §8.)

3945-9. Certain acts unlawful.—It shall be unlawful for dealer or person merchandising potatoes in the State of Minnesota with the intent to deceive, to attach any tag, label or brand to any closed package or carload of potatoes, any grade, certificate, brand or tag, which does not reasonably represent the true and correct grade, quality or standard of the grade, quality or brand of the potatoes contained in said closed package or carload, at the time of attaching the same, and the condition of said carloads and closed packages when said tags, labels, certificates or brands are found attached to them shall be prima facie evidence of the condition of the same at the time of attaching. (Act Mar. 18, 1931, c. 70, §9; Jan. 5, 1934, Ex. Ses., c. 41, §2.)

Mason's Stat., §10047, furnishes a means of enforcing the provisions of this act not covered by penalty provision in the last paragraph of §9. Op. Atty. Gen., Oct. 19, 1931.

3945-10. Same—penalty—cancellation of license.—Any person violating any of the provisions of this act shall be guilty of a simple misdemeanor for the first offense and a gross misdemeanor for each subsequent offense, and such conviction may be proper cause for the suspension or forfeiture or cancellation of any license held by such person so convicted. (Act Mar. 18, 1931, c. 70, §10; Jan. 5, 1934, Ex. Ses., c. 41, §3.)

3945-11. Commissioner to enforce act.—It shall be the duty of the commissioner of agriculture to enforce the provisions of this Act. (Act Mar. 18, 1931, c. 70, §11; Jan. 5, 1934, Ex. Ses., c. 41, §4.)

FRUITS

3945-21. Commissioner of agriculture to regulate sale of strawberries and raspberries.—All fresh strawberries and raspberries that are offered for sale, packed for sale, or shipped for sale by any person

other than the grower thereof in the State of Minnesota shall be handled and sold under rules and regulations made and designated by the Commissioner of Agriculture, Dairy and Food. The grades and the regulations controlling and handling of strawberries and raspberries shall be only determined by the Commissioner of Agriculture, Dairy and Food after due notice and public hearings with the producers of the same have been held. (Act Apr. 22, 1933, c. 420, §1.)

3945-22. Commissioner to enforce rules and regulations.—The Commissioner of Agriculture, Dairy and Food shall be charged with the enforcement of the provisions of this act and all the rules and regulations made and published thereunder. (Act Apr. 22, 1933, c. 420, §2.)

3945-23. May revoke license.—The Commissioner of Agriculture, Dairy and Food may revoke any license issued under his authority upon proof of violation of the provisions of this act and any of such rules and regulations made in pursuance thereof. (Act Apr. 22, 1933, c. 420, §3.)

AGRICULTURAL SEEDS

3957-3. Labels for packages—Contents—Weed seed tolerance. * * *

(c) The approximate total percentage by weight of weed seeds of all species and the name and approximate number per pound of agricultural seeds of each of the kinds of weed seeds hereinafter specified, whenever the total number of any or all of such kinds exceeds ten per pound of agricultural seeds: Quack grass (*Agropyron repenes*), Canada Thistle (*Carduus arvensis*), Perennial Sow Thistle (*sonchus arvensis*), Dodders (*Cuscuta* supp.), Leafy Spurge (*Euphorbia esula*), Ox Eye Daisy (*Chrysanthemum leucanthemum*), and Buckhorn Plantain (*Plantago Lanceolata*); provided, that whenever such weed seeds are found in number not exceeding ten of all kinds in the aggregate per pound of agricultural seeds, the word "trace" together with the name of each and every kind of weeds seeds so found shall appear on the label. (As amended Apr. 5, 1929, c. 137.)

The prohibition of subd. (g) applies to farmer sowing or selling his own seed. Op. Atty. Gen., Apr. 2, 1930.

SOFT DRINKS AND OTHER NON-ALCOHOLIC BEVERAGES

3965-1. Licenses required for manufactures of.

Restaurants, hotels or other places where they are mixing soft drinks, quart or more, are required to have manufacturer's licenses. Op. Atty. Gen., Aug. 7, 1931.

3965-9. Carbonated beverages defined.—A carbonated or still beverage within the meaning of this Act, shall be a beverage made of pure cane, beet sugar, and/or refined corn sugar, with pure water, and pure flavoring materials, with or without fruit acids and harmless coloring materials, and the finished product shall contain not less than seven per centum of sugar and less than 1/2 of one per centum of alcohol by volume. All carbonated or still beverages not conforming to the above requirements, this Act, the Minnesota Dairy and Food Law, or the rules, regulations, definitions and standards made thereunder, shall be deemed to be adulterated. (27, c. 42, §9; Apr. 21, 1933, c. 378.)

CHAPTER 21A

Regulation of Certain Manufactures and Sales

3973 to 3976. [Repealed].

Repealed by Laws 1929, c. 358, §12, post, §3976-12.

3976-1. Definitions.—That the term "bedding" as used in this act shall be construed to mean any mattress, upholstered spring, comforter, pad, cushion or

pillow designed and made for use in sleeping or reclining purposes. The word "person" as used in this act shall be construed to impart the plural and the singular, as the case demands, and shall include, individuals, corporations, partnerships, joint-stock

companies, or other business associations who are manufacturers or dealers in bedding. The word "new" as used in this act, shall mean any material or article that has not previously been used in the manufacture of bedding articles, or for any other purpose. The term "second hand" shall mean any material or article that has been previously used in the manufacture of bedding or for any other purpose. The word "shoddy" shall mean any material that has been spun into yarn, knit or woven into fabric, and subsequently cut up, torn up, broken up or ground up. (Act Apr. 24, 1929, c. 358, §1.)

The term "bedding," in view of the employment of the word "reclining" has reference to any article of furniture on which a person may sleep or recline, but it does not apply to a straight back chair and probably not to a rocking chair. Op. Atty. Gen., Apr. 2, 1930.

3976-2. May not use second-hand material in certain cases.—No person shall use in the making or remaking of any article of bedding as herein defined any material that has been used in any private or public hospital, or any material of any kind that has been used by or about any person having an infectious or contagious disease, or has formed a part of any article of bedding which has so been used. This section shall not prevent the renovating of bedding used in any private or public hospital. (Act Apr. 24, 1929, c. 358, §2.)

3976-3. Sale of bedding, etc., forbidden.—No person shall sell, offer for sale, consign for sale, or have in his possession with intent to sell, or consign for sale any bedding used in a private or public hospital or any article of bedding that has been used by or about any person having an infectious or contagious disease. (Act Apr. 24, 1929, c. 358, §3.)

3976-4. Material must be renovated.—No person shall remake or renovate any article of bedding unless all the material to be used in said remake or renovated bedding shall first be thoroughly sterilized and disinfected by the methods set out herein, or by any other approved sterilization method:

(a) Dry heat of a temperature of not less than 160 degrees centigrade temperature for not less than one hour. A thermometer for registering the temperature visible from the outside of the room shall be provided where dry heat is used.

(b) Live steam, with subsequent drying of the material over steam coils with a pressure of not less than 20 pounds of steam for 20 minutes. A gauge for registering steam pressure visible from the outside of the room shall be provided where steam under pressure is used and valved outlets shall be provided near the bottom and also the top of the room in cases where streaming steam is used.

(c) Formaldehyde and sulphur concurrently in a moist atmosphere for a period of not less than 10 hours. Formaldehyde gas shall be generated from the use of one pint of formaldehyde solution, 37% to each 1,000 cubic feet of air space, or through the use of any of the high class commercial fumigators which generate an equivalent quantity of gas. Sulphur shall be from the burning of three pounds of sulphur for each 1,000 cubic feet of air space. The moist atmosphere shall be produced by thorough sprinkling of the floor of the room with warm water just prior to the process of disinfection. The room shall be provided with a separate air inlet and also an exhaust connection, and shall be equipped with tight dampers or closure gates which can be operated from the outside of the room. Rooms for disinfection of bedding materials shall be made gas or steam tight. Shelving for loose bedding materials shall be of lattice or other open construction.

Solid shelves of a type to prevent passage of gas through the materials shall not be permitted. (Act Apr. 24, 1929, c. 358, §4.)

3976-5. Devices must be approved.—All devices and equipment before being used as a process for steriliza-

tion and disinfection, shall be approved by the Industrial Commission of Minnesota, upon written application of the person desiring to use the same, and when so approved, a numbered permit for such use shall be issued to the applicant by the Industrial Commission of Minnesota. Such permit shall expire one year from date thereof. Such system of sterilization and disinfection shall be kept in good condition and repair. Every person to whom a permit has been issued shall keep such permit conspicuously posted under glass near such sterilization or disinfection chamber. Refusal to display such permit in accordance with this act shall be sufficient reason to revoke the same. Nothing in this act shall prevent any person engaged in the making or remaking, renovating or sale of any article herein described which requires sterilizing and disinfecting under the provisions hereof, from having such sterilizing and disinfecting performed by any person to whom a permit for such purposes has been issued, providing the number of the permit, with date of sterilization shall be printed on the tag or label attached to the article, and a copy of such kept by person doing such sterilization for reference. (Act Apr. 24, 1929, c. 358, §5.)

3976-6. Subject to inspection.—All places where bedding is made, remake, or renovated, or where materials for bedding are prepared, or establishment where said articles are offered for sale, or are in possession of any person with intent to sell, deliver, lease, or to consign them to an establishment where sterilizing and disinfecting is performed, shall be subject to inspection by duly appointed inspector for the Industrial Commission of Minnesota to ascertain whether the materials used or sold or the finished article enumerated, conform to the requirements of this act. Inspector shall have authority to open such bedding to examine the material used in filling. (Act Apr. 24, 1929, c. 358, §6.)

3976-7. Sales forbidden—Exceptions.—No person shall sell, lease, offer to sell or lease, or deliver or consign for sale or lease, or have in his possession with intent to sell, lease, deliver or consign for sale or lease, any bedding made, remake, or renovated in violation of this act; or any second-hand bedding unless since last used it has been thoroughly sterilized and disinfected by an approved method of sterilization. (Act Apr. 24, 1929, c. 358, §7.)

3976-8. Same.—No person, firm or corporation, by himself or his agents, servants or employees, shall make or sell, or offer to sell, deliver or consign for sale, or have in his or their possession with intent to sell, deliver or consign for sale any bedding made of material that has theretofore been used as a container for or in contact with any animal or vegetable matter or any material hereinbefore designated as shoddy, unless the bedding shall be labeled as such, or any material that has theretofore been used unless the same shall have been cleaned and sterilized. (Act Apr. 24, 1929, c. 358 §8.)

3976-9. Must be labeled.—No person shall make or remake, or sell, offer for sale, consign for sale, or have in his possession with intent to sell, offer for sale, or consign for sale any article of bedding as herein defined unless the same is labeled as follows:

Upon each of such articles of bedding there shall be securely sewed upon the outside thereof a muslin or linen label not less than three by four and one-half inches in size, upon which shall be in plain print, in the English language, a description of the material used as filling of such article of bedding; and if such material or any portion thereof shall not have been previously used, the words "manufactured of new material" shall appear upon said label, together with the name and address of the maker or vendor thereof. If any of the material used in the making or remaking of such article of bedding shall have been previously used, the words "manufactured of second hand material" or "remade of second hand material"

as the case may be, shall appear upon said label, together with the name and address of the maker or vendor thereof, and also a description of the material used in the filling of such article of bedding. On any article of bedding, not remade, but which has been previously used, the words "second hand materials used in filling not known" shall appear upon said label, together with the name and address of the vendor thereof. The statement required under this section shall be in form as follows:

OFFICIAL STATEMENT

Materials used in filling.....
 Made by
 Vendor
 Address

This article is made in compliance with an act of the State of Minnesota approved the.....day of.... 1929.

The statement of compliance required in the foregoing "official statement" shall not be construed to imply that it is prohibited to state also that the article of bedding is made in compliance with act or acts of other states.

The words "manufactured of new material" or "manufactured of second hand material" or any article of bedding not remade, "second hand materials used in filling not known" together with the description of the material used as filling of an article of bedding shall be in letters not less than one-eighth (1/8) of an inch in height. Statement of filling shall conform to rules regulating the manufacture and sale of bedding as approved by the Industrial Commission of Minnesota. No term of description likely to mislead shall be used on any label required by this regulation, in the description of the material used in the filling of any article of bedding. The label shall be attached to each mattress, pad or upholstered spring by sewing all four edges of label.

Any person who shall remove, deface, alter or shall cause to be removed, defaced or altered any label or tag upon any article of bedding so labeled or tagged under the provisions of this act, shall be guilty of a violation thereof. (Act Apr. 24, 1929, c. 358, §9.)

3976-10. Feathers to be renovated.—Feathers used in making, remaking, or renovating, new or second hand bedding shall be thoroughly cured, sterilized, or disinfected. (Act Apr. 24, 1929, c. 358, §10.)

3976-11. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100.00 nor less than \$25.00 or by imprisonment for not more than 90 days, nor less than 30 days, or by both such fine and imprisonment for each offense. (Act Apr. 24, 1929, c. 358, §11.)

3976-12. Law repealed.—Chapter 490, General Laws 1913 [§§3973 to 3976], and all acts or parts of acts inconsistent herewith hereby are repealed. (Act Apr. 24, 1929, c. 358, §12.)

3976-13. Prison made goods to be labeled.—Goods, wares and merchandise made by convict labor under contract in this or any other State imported, brought or introduced into this State, shall be branded, labeled or marked as hereinafter provided before being exposed for sale, and shall not be so exposed without such brand, label or mark.

The brand, label or mark required by the next preceding section shall contain at the head or top hereof the words "prison made" followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering of the style known as great primer roman capitals. Such brand or mark, if the article will permit, shall be placed upon it and when such branding or marking is impossible, label shall be used. Such brand, mark or label shall be placed outside of and in a conspicuous part of the finished article and its box, crate or covering.

A person dealing in convict made goods, wares or merchandise, as described in this chapter, shall not knowingly have them in possession for the purpose of sale, or offering them for sale without the brand, label or mark required by this chapter, or remove, conceal or deface the brand, label or mark thereon; but the provisions hereof shall not apply to such goods, wares or merchandise in possession of any such person at the time of the taking effect of this act.

Whoever violates any provision of this law shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than \$100 or not to exceed 90 days' imprisonment. (Act Apr. 5, 1929, c. 138.)

3976-14. Sale of fireworks forbidden—Exceptions.—No person, firm, copartnership or corporation shall sell, offer for sale, or have in possession for the purpose of sale any fireworks within the limits of any town, any part of which is within fifteen miles of the corporate limits of any city of the first class, without first having obtained a license to sell fireworks from the town board of such town. (Act Apr. 23, 1929, c. 300, §1.)

Town board cannot act arbitrarily or unreasonably in granting or refusing licenses. Op. Atty. Gen., June 7, 1929.

Relates only to towns and not villages or other incorporated municipalities. Op. Atty. Gen., June 26, 1929.

3976-15. Town Board may grant licenses.—The town board of any town described in Section 1 is authorized to license any person, firm, co-partnership or corporation in such town and to impose a license fee therefor of not less than \$10.00 nor more than \$25.00, which shall be uniform in any such town during any calendar year. (Act Apr. 23, 1929, c. 300, §2.)

3976-16. Application—Fee.—Any person, firm, co-partnership or corporation desiring such license shall make application therefor the town clerk, which application shall be in writing and shall contain a description of the premises where applicant purposes to sell such fireworks. Such application shall be accompanied by the license fee which shall be returned in case the board fails to grant such license. Such license permit shall be in writing, signed by the chairman of such board and attested by the clerk, and shall be limited to the premises named in the application and publicly displayed on such premises, and shall be for a period of one year from the date thereof. A town clerk shall submit any such application to the town board within ten days after he receives it. (Act Apr. 23, 1929, c. 300, §3.)

3976-17. Violation is a misdemeanor.—Any person, firm, co-partnership or corporation violating any of the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 23, 1929, c. 300, §4.)