

1940 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1940)  
(Superseding Mason's 1931, 1934, 1936 and 1938  
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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located and makes demand therefor, or in making any retest of cattle within such area, as provided in this act. Such owner or person in possession shall account for all animals tagged in making such tests and retests, and shall submit all such cattle to the board or its agents at any time when the board or its agents visit said premises to make further tests or examinations. Such owner or person in possession shall also immediately remove reacting cattle from the premises when officially condemned and cause the same to be slaughtered as required by said board, and shall not use milk or milk products, or sell or dispose of the same, from reacting cattle after the same have been officially condemned. (Act Apr. 13, 1939, c. 217, §6.)

**5460-27. Board to make and enforce rules.**—The board shall have power to make and enforce such rules and regulations and quarantines as it may deem expedient to carry out the provisions of this act. (Act Apr. 13, 1939, c. 217, §7.)

**5460-28. County board to provide funds.**—Boards of county commissioners in the state of Minnesota are hereby authorized in their discretion to appropriate

or provide funds for the use of the Minnesota Live-stock Sanitary Board to aid in the eradication and control of Bang's disease in their counties, as provided in this act. When and if such funds are made available by counties, the same shall be expended under the direction and supervision of the Minnesota Live-stock Sanitary Board and shall be distributed on vouchers verified by the executive officer of said board. (Act Apr. 13, 1939, c. 217, §8.)

**5460-29. Provisions severable.**—The various provisions of this act shall be severable, and if any part of provision shall be held to be invalid, it shall not be held to invalidate any other part or provision thereof. (Act Apr. 13, 1939, c. 217, §9.)

**5460-30. Inconsistent acts repealed.**—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. (Act Apr. 13, 1939, c. 217, §10.)

**5460-31. Effective July 1, 1939.**—This act shall take effect and be in force from and after the first day of July, 1939. (Act Apr. 13, 1939, c. 217, §11.)

## CHAPTER 30A

### Inspection of Apiaries

**5461 to 5473. [Repealed Apr. 22, 1939, c. 404, §19, post §5473-19.]**

#### ANNOTATIONS UNDER REPEALED SECTIONS

**5461. State Inspector—Deputies.**  
Determination by the appointing power on question of fact as to whether appointee has had such practical experience as to render him eligible as a practical apiarist, will be binding on the courts in the absence of a clear abuse of judicial discretion. Op. Atty. Gen., June 10, 1931.

**5471. Compensation of Inspector and deputies.**  
Deputy inspectors are entitled to be reimbursed for expenses incurred in the performance of their duties. Op. Atty. Gen., June 10, 1931.

**5473-1. Definitions.**—The following terms shall be construed respectively to mean:

(a) "Apiary"—any place where one or more colonies of bees are kept.

(b) "Appliances"—any apparatus, tools, machines, or other devices, used in the handling and manipulating of bees, honey, wax, and hives. It shall also include any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies.

(c) "Bees"—any stage of the common honey bee, *Apis mellifera* L.

(d) "Bee diseases"—American or European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of egg, larval, pupal or adult stages of bees.

(e) "Bee equipment"—hives, supers, frames, veils, gloves, or any other appliances or equipment.

(f) "Colony"—the hive and its appliances, including bees, comb, honey and equipment.

(g) "Hive"—frame hive, box hive, box, barrel, log gum, skep or any other receptacle or container, natural or artificial, or any part thereof, which may be used or employed as a domicile for bees.

(h) "Persons"—individuals, associations, partnerships and corporations.

(i) "Queen apiary"—any apiary or premises in which queen bees are reared or kept for sale or gift.

Words used in this Act shall be construed to import either the plural or singular, as the case demands. (As amended Apr. 22, 1939, c. 404, §1.)

**5473-2. Apiary inspections.**—The State Entomologist of the State Department of Agriculture, Dairy and Food is hereby authorized to establish apiary inspection and to have charge of the inspection of apiaries as hereinafter provided. Said State Entomologist

shall investigate or cause to be investigated outbreaks of bee diseases, and cause suitable measures to be taken for their eradication or control. (As amended Apr. 22, 1939, c. 404, §2.)

**5473-3. State entomologists to enforce act.**—For the enforcement of this act, the State Entomologist or his deputies shall have authority to enter upon any private or public premises, and shall have access, ingress and egress to and from all apiaries or places where bees, combs, or apiary appliances are kept, for the purpose of ascertaining the existence of the diseases known as American foulbrood or European foulbrood or any other disease which is infectious or contagious in its nature, and injurious as to honey bees in their eggs, larval, pupal or adult stages, and of this, the State Entomologist shall be the sole judge, and should any of the said diseases exist in such apiaries it shall be the duty of the State Entomologist or deputy to treat or cause to be treated or to destroy or cause to be destroyed by fire the colony, including hives, frames, honey, wax, and brood. No damages shall be awarded to the owner for the loss of any infected apiary, bees, bee equipment, appliances, bee products destroyed under the provision of this act or of any order or regulation made in pursuance thereof. The State Entomologist or deputy may destroy or cause to be disinfected immediately, all used beekeeping equipment situated in diseased areas. And after each individual apiary has been inspected and found apparently free from American foulbrood or other dangerous contagious or infectious bee diseases, and provided all other sections of this Act have been complied with, a certificate of inspection shall be issued. Such certificate of inspection or health shall be valid for the current year or the remainder thereof. However a certificate of inspection may be revoked at any time whenever the State Entomologist in his judgment determines adequate cause for revocation. (As amended Apr. 22, 1939, c. 404, §3.)

**5473-4. Licenses.**—Every person owning or possessing bees shall on or before the first day of July of each year, file with the State Entomologist of the State Department of Agriculture, an application for registration, which application shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with

such other information as may be required by the State Entomologist, and such person, firm or corporation shall pay the State Entomologist by draft or money order made payable to the State Department of Agriculture at the time of registration the sum of not less than 50c nor more than \$10.00 for each owner of an apiary including all his branch apiaries. The scale of said fees to be as follows:

1— 10 colonies .....	\$ .50
11— 50 colonies .....	1.50
51—200 colonies .....	3.00
201—300 colonies .....	5.00
301—400 colonies .....	7.50
400— up colonies .....	10.00

and it shall be the duty of the State Entomologist to issue and deliver to such applicant a receipt declaring that the holder thereof is duly registered and has paid the fees required by law. All sums collected under this section shall be used for carrying out the provisions of this act. (As amended Apr. 22, 1939, c. 404, §4.)

**5473-5. Quarantines.**—All apiaries, bees, bee products, buildings, premises, bee equipment and appliances wherein or on which American foulbrood is known to exist are hereby declared to be under quarantine. The removal of any and all bees, queen bees, bee products, colonies, nuclei, combs and apiary appliances and bee fixtures is prohibited except under such cases as the State Entomologist or his inspectors may permit or approve. Such quarantines shall exist until such time as the State Entomologist, his assistants or inspectors, shall determine and declare such premises or material to be apparently free from American foulbrood. The State Entomologist or his inspectors may quarantine in the same manner such premises wherein or on disease is known to exist or not, within a radius of any distance the State Entomologist or inspector may deem necessary. (As amended Apr. 22, 1939, c. 404, §5.)

**5473-6. Unlawful acts.**—It shall be unlawful for any person to give false information in any matter pertaining to this Act, or to resist, impede, or hinder said State Entomologist or his deputies in the discharge of his or their duties. (As amended Apr. 22, 1939, c. 404, §6.)

**5473-7. Shall prevent spread of disease.**—After inspection of infected bees or fixtures or handling diseased bees, the State Entomologist or his deputies shall, before leaving the premises, or proceeding to any other apiary, take such measures as shall prevent the spread of the disease by infected material adhering to his person or clothing or to any tools or appliances used by him, which have come in contact with infected materials. (As amended Apr. 22, 1939, c. 404, §7.)

**5473-8. Rearing queen bees.**—It shall be the duty of any person in the State of Minnesota engaged in rearing of queen bees for sale, to use honey in the making of candy for the use in mailing-cages, which has been boiled for at least thirty minutes, unless candy which contains no honey at all is used. Any such person engaged in the rearing of queen bees shall have his queen rearing and queen mating apiary or apiaries inspected at least once during each summer season by the State Entomologist or his deputies and on the discovery of the existence of any disease which is infectious or contagious in its nature and infurious to bees in their eggs, larval, pupal or adult stages, said person shall at once cease to ship queen bees from such diseased apiary until the State Entomologist shall declare the said apiary free from disease. (As amended Apr. 22, 1939, c. 404, §8.)

**5473-9. Construction of hives.**—It shall be the duty of all persons engaged in beekeeping to provide movable frames in all hives used by them to contain bees, and to cause the bees in such hives to construct brood combs in such frames so that any of said frames may be removed from the hive without injuring oth-

er combs in such hive. It shall be the duty of any person keeping bees within the State of Minnesota to securely and tightly close the entrance of any hive or hives in apiaries not free from disease in which the bees shall have died either during the winter or at any other time, and to make the hive or hives tight in such manner that robber bees shall not find it possible to enter or leave such hive or obtain honey therefrom. The sealing of such hives must be maintained so long as the hives remain in the yard or in any place where honey bees can gain access to them. (As amended Apr. 22, 1939, c. 404, §9.)

**5473-10. To destroy diseased combs, etc.**—It shall be the duty of anyone keeping bees in the State of Minnesota to burn and bury combs and frames taken from diseased colonies in places where they shall remain undisturbed, unless they be placed in tight receptacles so constructed that it shall be impossible for bees to gain access to combs, or for honey or any other liquid to leak out where bees can gain access to it. Anyone exposing comb, honey, frames, quilts, empty hives, covers or bottom-boards, or tools or other appliances contaminated by infected material from the same, from diseased colonies, shall upon conviction thereof, be punished as provided in this Act. (As amended Apr. 22, 1939, c. 404, §10.)

**5473-11. Importation of bees in combless packages—Certificate of health.**—All bees in combless packages which may be brought into this state from other states or other countries must be accompanied by a certificate of health issued by the official inspector of the state or county from whence they came. The transportation of bees into this state without said certificate of health by any person or persons or by common carriers is expressly prohibited. (As amended Apr. 22, 1939, c. 404, §11.)

**5473-12. Same—Bees on combs or in used hives—Certificate of health.**—All bees on combs, used hives or other used apiary appliances brought into this state from other states or countries must be accompanied by a valid certificate of health issued by the official inspector of the place of origin and such a certificate of health shall certify to the apparent freedom from foulbrood or any other contagious or infectious bee disease or contamination and must be based on the actual inspection of said bees and material within 60 days preceding the date of shipment and any person, before transporting bees into this state must provide the Minnesota State Entomologist with at least a 30-day notice preceding the date of shipment whereupon a permit will be issued for transportation of such shipment into this state and such bees must immediately upon being brought into this state comply with registration as provided for in Section 4 of this Act. (As amended Apr. 22, 1939, c. 404, §12.)

**5473-13. Permits for sale.**—No combs or used beekeepers' supplies or bees except in combless packages and with food not made with honey, shall be sold or offered for sale or removed from the premises without being inspected by the State Entomologist or his deputies and a permit issued by him. (As amended Apr. 22, 1939, c. 404, §13.)

**5473-14. May appoint assistants.**—The State Entomologist is hereby empowered to appoint such assistants and employees as may be necessary to perform the duties hereby imposed. (As amended Apr. 22, 1939, c. 404, §14.)

**5473-15. Owners to be informed of unsanitary conditions.**—Whenever it is determined by the State Entomologist or his deputies that insanitary conditions exist or are permitted to exist in the operation of any honey houses or building or portion of a building in which honey is stored, graded or processed, the operator or owner of said honey house or building shall be first notified and warned by the State Entomologist or his deputy to place such honey house or building in a sanitary condition within a reason-