

GENERAL STATUTES
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1923

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HUBERT HARVEY, OF THE ST. PAUL BAR

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apieries and the location thereof in which contagious or infectious disease shall be found within the last year of his office and turn the same over to his successor. ('11 c. 311 § 13) [4735]

5473. **Oath and bond**—The state inspector of apieries shall take the usual oath of office and give bonds in the sum of two thousand dollars for the faithful discharge of his duties. ('11 c. 311 § 14) [4736]

CHAPTER 31

27 ⁵⁴⁷⁴ — 378

INSPECTION OF STEAM VESSELS AND BOILERS

5474. **Appointment of district chief and deputy chief boiler inspectors and duties**—In the month of January in every odd-numbered year the governor shall appoint a board of boiler inspectors consisting of one resident of each senatorial district, except that where there is more than one senatorial district in any county, there shall be but one inspector in such county. Such inspectors shall be known as district boiler inspectors. The district boiler inspector shall inspect all steam boilers and pressure vessels in use in his respective district not subject to inspection under the laws of the United States and not hereinafter excepted, and the chief boiler inspector hereinafter provided for shall examine and grant license certificates to steam engineers entrusted with the management of steam boilers, except those in heating plants in private residences as hereinafter defined.

The governor shall also appoint one chief boiler inspector, who may, with the consent of the governor, appoint one deputy chief boiler inspector. The chief boiler inspector shall have his office in the capitol. The deputy chief boiler inspector may exercise the powers of the chief boiler inspector in case of the absence or inability of the latter to act.

The district inspectors shall make monthly reports to the chief boiler inspector of all business transacted, in such form as shall be prescribed by the chief boiler inspector. The chief boiler inspector and each district boiler inspector shall hold office for the term of two years; provided, however, that the term of the first appointees pursuant to this act shall expire February 1st, 1921, unless sooner removed by the governor. Appointments to fill vacancies shall be for the unexpired term. The district boiler inspector shall examine all applicants for second-class and special engineer licenses and certify the results of their examinations to the chief boiler inspector, whereupon such chief boiler inspector shall issue the required licenses in case the certification made by the district boiler inspector shows the applicant therefor entitled thereto.

The chief boiler inspector or his deputy shall at least once each year visit each district for the purpose of holding examinations therein of applicants for chief and first-class engineers' licenses and shall give to the public thirty (30) days' published notice in some paper published in the district of the time and place such examination shall be held.

All fees collected by the chief boiler inspector under the provisions of this act shall be paid into the state treasury in the manner provided by law for fees received by other state departments; except 50 per cent of license fees which shall be turned over to the district inspector of district in which examination was held.

The chief boiler inspector shall receive an annual salary of \$2,400 payable monthly from the fund hereinafter created in the same manner as the salaries of other state officers are paid and the deputy chief boiler inspector shall receive \$2,000 per annum, payable monthly from said fund in the same manner as the sal-

ary of the chief boiler inspector. The chief boiler inspector and his deputy shall be entitled to reimbursement out of said boiler inspectors' fund for their necessary traveling and other expenses while engaged in the performance of their official duties. The expense of maintaining the office of chief boiler inspector shall also be paid from said fund. The district inspectors shall receive as full compensation for their services all fees collected by them for the inspection of boilers, pressure vessels and hulls and fifty per cent (50%) of all fees collected by them for the examination of applicants for engineers' licenses and also fifty per cent (50%) of the annual renewal fees received from such engineers and fifty per cent (50%) of renewal fees shall be sent to the chief boiler inspector, who shall turn same over to the state treasury, as herein prescribed. (R. L. '05 § 2168; G. S. '13 § 4737, amended '19 c. 240 § 1)

Inspection of low-pressure boiler in private house under personal management (145-372, 177+497).

5475. **Who eligible**—Every boiler inspector shall be a man of good moral character, and qualified by experience in the construction of steam boilers, and shall have had at least ten years' actual experience in operating steam engines and boilers. He shall not be directly or indirectly interested in the manufacture or sale of boilers or steam machinery, or in any patented article required or generally used in the construction of engines or boilers. (2169) [4738]

77-355, 79+1038.

5476. **Deputy inspectors**—Each boiler inspector may appoint one or more deputies, who shall possess the same qualifications and have the same authority as are prescribed for inspectors in § 5475. Each such deputy, before entering upon the duties of his office, shall take and subscribe the oath required by law, and file the same with the secretary of state. (2170) [4739]

5477. **Meetings — Rules — Violations**—In February of each year said inspectors shall meet as a board, at the capitol in St. Paul, and establish regulations for the inspection of vessels and boilers, and for the performance of their other duties. They shall prescribe regulations for the inspection of the hulls, machinery, boilers, steam connections, fire apparatus, live-saving appliances, and equipments of all vessels propelled in whole or in part by steam and navigating the inland waters of the state, which shall conform as near as may be to the requirements of the United States in similar cases, and when approved by the governor such regulations shall have the force of law. They shall designate the number of passengers that each steam vessel may safely carry, and no such vessel shall carry a greater number than is allowed by the inspector's certificate. Any owner, master or other person violating any regulation prescribed by said board shall be guilty of a misdemeanor. (2171) [4740]

5478. **Neglect to secure inspection**—Every owner, lessee or other person having charge of steam boilers, or any boat propelled in whole or in part by steam, not subject to inspection under the laws of the United States, shall cause the same to be inspected at least

once each year by the boiler inspector; and every such owner, lessee or person in charge who shall raise steam or operate such boilers and machinery without such inspection shall be guilty of a misdemeanor. (2172) [4741]

5479. Inspection by request—Certificate—Posting—On the written application of its owner, lessee or manager, the inspector shall inspect the hull, boiler, machinery and equipments of each vessel and boiler subject to inspection under this chapter, once at least in each year, and shall satisfy himself that every such vessel is of a structure suitable for the service in which it is to be employed, has suitable accommodations for passengers and crew, and is in proper condition to be used in navigation with safety to life, and that life-preservers, floats, pumps, hose, anchors and other things necessary to insure safety have been provided. When the inspection has been completed and the inspector approves the vessel and its equipments throughout, he shall make, subscribe and file with the secretary of state a verified certificate of the facts found, and deliver a copy thereof to the owner or master, who shall post it in a conspicuous place on such vessel. He may collect a fee of ten dollars for inspection of each vessel of fifty tons burden or over, and five dollars for each of a less tonnage. (2173) [4742]

5480. Examinations of master and pilots, establishing of regulations, licensing and revocations—The chief boiler inspector or his deputy shall examine all masters and pilots of steamboats and vessels and all gasoline boats and vessels carrying passengers for hire on the inland waters of the state as to their qualifications and fitness, and if such persons be found trustworthy and competent to perform their duties as master or pilot, as the case may be, he shall issue a certificate authorizing the applicant to act as such master or pilot on the inland waters of the state designated in the certificate. The chief boiler inspector shall also make such regulations for the navigation of any such boat or vessel as will require the operation of the same without danger to life or property. He shall revoke the license of any master, pilot or engineer found under the influence of intoxicating liquor when on duty or who otherwise disregards any prescribed regulation.

The chief boiler inspector or his deputy shall collect a fee of five dollars (\$5.00) for the examination of any applicant for a master or pilot's license and one dollar (\$1.00) for the annual renewal of any such license. In case the applicant for license as master or pilot successfully passes an examination, a license shall be issued to him without any other fee. Every owner, lessee, master or pilot violating any provision of this section or section 2173, shall be guilty of a misdemeanor. (R. L. '05 § 2174; G. S. '13 § 4743, amended '19 c. 240 § 2)

Constitutionality (145-372, 177+497).

5481. Inspection—Such inspectors shall inspect all steam boilers and steam generators before the same shall be used, and all such boilers at least once each year thereafter. They shall subject all boilers to hydrostatic pressure or hammer test, and ascertain by a thorough internal and external examination that they are well made and of good and suitable material; that the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the flues are circular in form; that the arrangements for delivering the feed water are such that the boilers cannot be injured thereby; and that such boilers and their steam connections may be safely used without danger to life or property. They shall also ascertain that the safety valves are of suitable dimensions, suf-

ficient in number, and properly arranged, and that the safety valve weights are so adjusted as to allow no greater pressure in the boilers than the amount prescribed by the inspector's certificate; that there is a sufficient number of gauge cocks, properly inserted, to indicate the amount of water, and suitable gauges that will correctly record the pressure of steam; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace whenever the water in the boiler falls below its prescribed limit; and that provisions are made for an ample supply of water to feed the boilers at all times, so that in high-pressure boilers the water shall not be less than three inches above the top of the fire surface; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts when under pressure of steam. (2175) [4744]

5482. Tests—In subjecting high-pressure boilers to the hydrostatic test, the inspector shall assume one hundred and twenty-five pounds to the square inch as the maximum working pressure allowable for new boilers forty-two inches in diameter, double riveted, and made in the best manner, of plates one-fourth of an inch thick and of good material; but he shall rate the working power of all high-pressure boilers according to their strength compared with this standard, and in all cases the test applied shall exceed the working power allowed in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting low-pressure boilers to hydrostatic tests, he shall allow as a working power for each new boiler a pressure of only three-fourths the number of pounds to which it has been so subjected. If any inspector is of opinion that any boiler will not safely allow so high a working pressure, he may, for reason specially stated in his certificate, fix the pressure at less than the test pressure. No boiler or steam pipe, nor any of the connections therewith, which are made wholly or partly of bad material, or of cast iron, or which are unsafe from any cause, shall be approved. But this shall not be construed to prevent the use of any boiler or steam generator not constructed of riveted iron or steel plates, when the inspector is satisfied by evidence that such boiler or generator is equal in strength to, and as safe from explosion as boilers of the best quality, constructed of riveted steel or iron plates. (2176) [4745]

5483. Imperfect construction—Every person who shall construct a boiler or steam pipe of iron or steel plates known to be faulty or imperfect, or shall drift any rivet hole to make it come fair, or who shall deliver any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be guilty of a gross misdemeanor, and punished by a fine of two hundred dollars, one-half of which shall be paid to the informer. (2177) [4746]

5484. Special examination—In addition to the annual inspection, the inspectors at any time, when in their opinion such examination shall be necessary, shall examine all boilers which have become unsafe, and notify the owners or operators of any defect, and what repairs are necessary; and such a boiler shall not thereafter be used until so repaired. Every person operating any such boiler who fails to comply with the inspector's requirements shall be guilty of a misdemeanor, and also liable for damages to persons or property resulting therefrom. (2178) [4747]

5485. Fusible plug—Every steam boiler shall be provided with a fusible plug, of good banca tin, inserted in the flues, crown sheet or other parts of the boiler most exposed to the heat of the furnace when

the water falls below the prescribed limits. (2179) [4748]

Whether absence of fusible plug was negligence (150-520, 186+123.

5486. License to be renewed annually and grade authorized—Every owner or manager of a steam boiler shall allow inspectors full access to the same, and every engineer operating the same shall assist the inspector in his examination, and point out any known defects in the boilers or machinery in his charge. No person shall be entrusted with the operation of any steam boiler or steam machinery who has not received a license of such grade as to cover said steam boilers or steam machinery, which license shall be renewed annually. Every person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars. (R. L. '05 § 2180; G. S. '13 § 4749, amended '19 c. 240 § 3)

5487. Examinations for classifications and qualifications—Engineers shall be divided into four (4) classes: (1) Chief engineers; (2) first-class engineers; (3) second-class engineers; (4) special engineers.

To entitle them to licenses they shall make written application on blanks furnished by the inspector and shall successfully pass an examination for such grade of license as applied for.

1. A chief engineer shall be at least twenty-one (21) years of age, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery, and before receiving a license he shall take and subscribe an oath that he has had at least five years' actual experience in operating such boilers and machinery.

2. A first-class engineer shall be at least twenty-one (21) years of age, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery of not more than three hundred (300) horsepower. Before receiving a license he shall take and subscribe an oath that he has had at least three years' actual experience in operating such boilers and machinery.

3. A second-class engineer shall be at least twenty-one (21) years of age, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery of not more than one hundred (100) horsepower. Before receiving a license he shall take and subscribe an oath that he has had at least one year of actual experience in operating such boilers and machinery.

4. A special engineer, upon examination, shall be sufficiently acquainted with the duties of an engineer as to justify the belief that he can be safely intrusted with steam boilers and steam machinery of not more than thirty (30) horsepower. (R. L. '05 § 2181; G. S. '13 § 4750, amended '19 c. 113 § 1; '19 c. 240 § 4)

The provisions with reference to classification, qualification, and licensing are not self-contradictory and unconstitutional (103-331, 115+167).

5488. License — Revoked, when—Whenever complaint shall be made by any person, against an engineer holding a license that, through negligence, want of skill, inattention to duty, or violation of any provision of this chapter, he has permitted his boiler to burn or otherwise become in bad condition, the inspector who granted his license, upon satisfactory proof of such negligence, shall revoke the same. Any engineer aggrieved by such revocation may appeal to the board of inspectors, whose decision in the case shall be final. (2182) [4751]

5489. False certificate—In making the inspection of boilers, machinery or steam vessels, the inspectors may act jointly or separately, but shall in all cases verify the certificate of inspection. Every inspector who shall wilfully certify falsely regarding any steam boiler or its attachments, or the hull and equipments of any steam vessel, or who shall grant a license to any person to act as engineer, master, or pilot contrary to the provisions of this chapter, shall be guilty of a felony, and be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the state prison for not more than one year, or by both. In addition to such punishment, he shall forthwith be removed from office. (2183) [4752]

5490. District boiler inspector to deliver certificates — Fees for inspection—After examination and tests, if the district boiler inspector shall find any steam boiler or pressure vessel safe and suitable for use, he shall deliver to the chief boiler inspector a verified certificate in such form as the chief boiler inspector shall prescribe, containing a specification of the tests applied and the working pressure allowed, a copy of which the district boiler inspector shall furnish to the owner of the boiler or pressure vessel, who shall post and keep the same in a conspicuous place on or near such boiler or pressure vessel. The district boiler inspector shall be entitled to a fee of three (\$3.00) dollars for the inspection of each boiler or pressure vessel and its connections, payable on delivery of the certificate. The fee for the examination for an engineer's license shall be: Chief engineer, \$7.00; first-class, \$5.00; second-class, \$3.00, and special, \$2.00, and for each yearly renewal, \$1.00. Fifty per cent (50%) of all license fees shall go to create a fund to be known as the boiler inspectors' fund and fifty per cent (50%) to the inspector of the district where the examination is held or renewal made. Which fee shall accompany the application. (R. L. '05 § 2184; G. S. '13 § 4753, amended '19 c. 240 § 5)

5491. Additional help for chief boiler inspector and limitation of expenditures—The chief boiler inspector may, with the consent of the governor, appoint such additional help as shall require to carry out the work of his office. But at no time shall the salaries and expenses authorized by this act exceed the amount appropriated for carrying out the provisions thereof; provided, that in no event shall the disbursements of this act exceed the fees collected. (R. L. '05 § 2185; G. S. '13 § 4754, amended '19 c. 240 § 6)

5492. Residence boilers and railroad locomotives excepted—The provisions of this act shall not apply to heating plants in buildings occupied solely for residence purposes with accommodations herein not to exceed four families, nor to railroad locomotives, nor to railroad locomotive engineers employed by railroad companies. (R. L. '05 § 2186; G. S. '13 § 4755, amended '19 c. 240 § 7)

5493. Insurance companies to report to chief inspector—(a) Every insurance company insuring boilers and pressure vessels in this state shall within fifteen days after inspecting any such boiler or pressure vessel make, in duplicate, a report in writing, showing the date of such inspection, the name of the person making the inspection, the condition of such boiler or pressure vessel as disclosed by such inspection, whether the same is operated by a licensed engineer and whether a policy of insurance has been issued by said company with reference to said boiler or pressure vessel. Such insurance company shall within said period of fifteen days mail one of such reports to the chief boiler inspector and shall deliver one of such reports to the person, firm or corporation owning or operating such boiler or pressure vessel.

Every boiler or pressure vessel as to which any insurance company authorized to do business in this state has issued a policy of insurance, after the inspection thereof, shall be exempt from other inspection under the provisions of this act, while the same continues to be insured; provided, the person, firm or corporation owning or operating the same shall have an unexpired certificate of exemption from inspection, which certificate shall be issued by the chief boiler inspector upon application by the holder of a report of inspection made by the insurance company as hereinbefore set forth and showing that a policy of insurance has been issued by such insurance company with reference to such boiler or pressure vessel and the payment to the chief boiler inspector of a fee of fifty cents therefor. Such certificate of exemption shall expire one year from the date of the report of inspection of the boiler or pressure vessel to which it relates. Such certificate shall be posted in a conspicuous place near the boiler or pressure vessel described therein and to which it relates. Every insurance company shall notify the chief boiler inspector, in writing of the cancellation or expiration of every policy of insurance issued by it with reference to policies in this state, and the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation has or will become effective.

Any insurance company which shall fail to comply with the requirements of this section shall be deemed guilty of a misdemeanor and fined not more than fifty dollars. ('19 c. 240 § 8)

5494. Applications—To whom made—Sealing authorized in case of failure to make payment—The chief boiler inspector shall prepare blank applications on which applications for engineers' licenses shall be made under oath of the applicant. Such blanks shall be so formulated as to elicit such information as is desirable to pass on the qualifications of the applicant.

Every applicant for an engineer's license shall make his application to the district boiler inspector of the district wherein the applicant resides and no license shall be granted by the district boiler inspector of any other district of this state if such applicant's license has been refused.

If the owner or lessee of any boiler or pressure vessel, which boiler or pressure vessel has been duly inspected, refuses to pay the required fee as provided by law within thirty (30) days from the date of such inspection, the district boiler inspector or the chief boiler inspector or his deputy, as the case may be, is hereby authorized and empowered to seal said boiler or pressure vessel until said fee is paid, and the owner, lessee or agent who breaks said seal or operates said boiler or pressure vessel before the fee has been paid shall be guilty of a misdemeanor. ('19 c. 240 § 9)

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Et seq.
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4637

5495 Et seq.
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27 — 429
5495 Et seq.
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5495 Et seq.
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CHAPTER 32

PRESERVATION OF GAME

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31 — 399

PART I. TITLE TO WILD ANIMALS: TAKING: TRANSPORTATION

5495. Title to Wild Animals—Taking—Transportation—That the laws of Minnesota relating to wild animals be, and the same hereby are amended, revised, consolidated, codified and rearranged in the order and form following, which revision shall be known as the "Law of Minnesota Relating to Wild Animals." ('19 c. 400 § 1)

'19 c. 400 § 143, repeals all inconsistent acts and parts of acts; chapter 400 supersedes G. S. '13 §§ 4756-4910.

5496. Ownership in state—The ownership of wild animals so far as they are capable of ownership, is hereby declared to be in the state, not as a proprietor, but in its sovereign capacity as the representative and for the benefit of all its people in common. ('19 c. 400 § 2)

58-393, 59+1098; 73-185, 75+1120; 90-337, 96+785; 92-363, 100+94; 96-45, 104+719.

5497. Taking of wild animals restricted—No person shall at any time of the year, pursue, take, wound or kill, in any manner, number or quantity, any wild animals protected by law, or buy, offer to buy, sell, offer, or expose the same, or any part thereof, for sale, transport, or have the same in possession, except as permitted by this act. No person shall acquire any property in any wild animals in this state except as authorized by this act, and the legal title to any wild animal taken or reduced to possession in violation of law shall remain in the state, and the title to any wild animal lawfully acquired shall revert to the state whenever any law relating to the possession, use or disposition of such wild animal shall be violated. ('19 c. 400 § 3, amended '21 c. 44 § 1)

58-393, 59+1098; 63-543, 65+1080; 73-185, 75+1120; 90-337, 96+785; 92-363, 100+94; 96-45, 104+719.

5498. Manner of taking game—Birds and quadrupeds protected by law shall be taken only in the daytime with a gun not larger than a ten gauge fired from the shoulder unless otherwise permitted by this chapter. No person while in a motor vehicle shall take game, nor discharge any firearm therefrom at any protected wild animal, nor carry a gun or other firearm, except a pistol or revolver, in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or contained in a case. Traps for the purpose of taking fur-bearing animals protected by law may be used as herein provided, but traps shall not be staked or set in any manner during the close season for the same. A person may take game birds during the open season with the aid of a dog, unless specifically prohibited herein. ('19 c. 400 § 4)

5499. Manner of taking fish—Fish, unless otherwise specifically permitted by this chapter, shall only be taken by angling. Provided, that it shall be unlawful to take fish by angling through the ice in the night time, by the use or with the aid of artificial lights. ('19 c. 400 § 5, amended '23 c. 426 § 1)

5500. Limits on game and fish—Wanton waste—No person shall wantonly waste or destroy wild animals. The catching, taking or killing of more than fifteen game birds by any one person in any one day, or the catching, taking or killing of more than twenty-five fish by any one person in any one day, except fish lawfully caught, taken or killed with licensed nets, as by this chapter permitted, and destruction of all such game birds or fish caught, taken or killed in excess of such number, shall be deemed a wanton waste. No person shall, after taking or killing any protected wild animal, abandon or permit the edible part of the carcass thereof to waste or decay. ('19 c. 400 § 6)

5499 Et. seq.
25 — 380

5499
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5500
29 — 417

5495
Et seq.
177m 483
225nw 430

95 Et seq.
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5496
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