

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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MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1940

Upon payment of the contract in full, mark indelibly every obligation and security signed by the debtor with the word "Paid" or "Cancelled," and release any mortgage, restore any pledge, cancel and return any note, and cancel and return any assignment given to the obligor by the debtor. (Act Apr. 29, 1935, c. 347, §6.)

5887-57. Certain acts a misdemeanor.—Any person, co-partnership, association or corporation and the several members, officers, directors, agents and employees thereof who shall violate or participate in the violation of any of the provisions of this act shall be guilty of a misdemeanor.

Any contract not invalid for any other reason, in the making or collection of which any act shall have been done which constitutes a misdemeanor under this act, shall be void and the obligor and/or his assigns shall have no right to collect or receive any principal, interest or charges whatsoever. (Act Apr. 29, 1935, c. 347, §7.)

5887-58. Application of act.—This act shall not apply to any attorney-at-law duly authorized to practice in this state and resident herein, nor to any person, co-partnership, association or corporation doing business under and as permitted by any law of this state or of the United States relating to banks, savings banks, trust companies, building and loan associations or credit unions, and nothing in this act contained shall permit or be construed as authorizing any person, not otherwise duly admitted to practice law in this state, to engage in the practice of law. (Act Apr. 29, 1935, c. 347, §8.)

5887-59. Provisions severable.—If any clause, sentence, section, provision or part of this act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect or invalidate the remainder of this act, which shall remain in full force and effect thereafter. (Act Apr. 29, 1935, c. 347, §9.)

POULTRY FLOCK INSPECTORS

5887-61. Poultry flock inspectors.—For the purpose of this act, any persons who, for compensation or without compensation, shall cull poultry flocks, other than those belonging to himself, for production or for standard of perfection or merit; and any person who shall, for compensation or without compensation, engage in or purport to be engaged in the culling of poultry, or holds himself out as a culler of poultry and who, at the same time, is engaged in the purchasing of or bartering for poultry either for himself or as the agent of another, shall be deemed to be a poultry flock inspector. (Act Apr. 20, 1935, c. 226, §1; Jan. 24, 1936, Ex. Ses., c. 91, §1.)

Applicant for license must qualify for both culling for production and for standard of perfection or merit, and there can be only one class of license. Op. Atty. Gen. (293b-61), July 2, 1937.

Poultry improvement board cannot inspect flocks in other states. Op. Atty. Gen. (293b-16), Aug. 23, 1937.

5887-62. Must be licensed.—No person shall act or hold himself out as a poultry flock inspector, as defined and limited in this act unless he shall be licensed to act as such by the Minnesota poultry improvement board. (Act Apr. 20, 1935, c. 226, §2; Jan. 24, 1936, Ex. Ses., c. 91, §1.)

A chick hatchery which does not buy poultry but only buys hatchery eggs need not have a license to cull chick-

ens for customers without charge. Op. Atty. Gen. (290), Aug. 26, 1935.

Board may issue a license to a poultry breeder in just one breed. Id.

Persons culling poultry flocks exclusive of their own must have license though no charge is made. Op. Atty. Gen. (293h-16), Nov. 13, 1936.

5887-63. Qualifications.—Licenses to act as a poultry flock inspector shall be issued by the Minnesota poultry improvement board to such reputable persons as shall apply therefor, pay the prescribed fee and comply with the conditions herein specified to-wit:

- (a) 21 years or more of age;
- (b) A citizen of the United States;
- (c) Of good moral character;
- (d) Shall have passed an examination given by said board;
- (e) Shall have paid a fee of five dollars. (Act Apr. 20, 1935, c. 226, §3.)

5887-64. Applications—Licenses—Fees.—Any person desiring a license as a poultry flock inspector shall file his application to take an examination therefor, together with his license fee of five dollars, with the said board, on such application form as the board shall prescribe. (Act Apr. 20, 1935, c. 226, §4.)

5887-65. Examinations.—The board shall conduct examinations for poultry flock inspectors at least twice a year and at such other times as it deems necessary and advisable. Such examinations shall be in such form as the board shall determine. (Act Apr. 20, 1935, c. 226, §5.)

5887-66. May revoke licenses.—The board shall have the authority to revoke a license after hearing and for cause and upon ten days' written notice of hearing served either personally or by registered mail upon the licensee. (Act Apr. 20, 1935, c. 226, §6.)

5887-67. Renewals.—Every such license shall be renewed on or before December 31st of each year and such renewal shall cost five dollars. If such license is not renewed on or before such date a penalty of two dollars shall attach and if not renewed within three months from such date, the holder of such license may be compelled by the board to take another examination before his license is renewed. (Act Apr. 20, 1935, c. 226, §7.)

5887-68. Fees to general revenue fund.—The fees herein provided for shall be deposited in the general revenue fund. (Act Apr. 20, 1935, c. 226, §8.)

5887-69. Board to make rules.—The board shall have the authority to make reasonable rules and regulations to enforce the provisions of this act. (Act Apr. 20, 1935, c. 226, §9.)

5887-70. Violations a misdemeanor.—Anyone acting as a poultry flock inspector within the meaning of this act without a license therefor, shall be guilty of a misdemeanor and it shall be the duty of the county attorney of each county to prosecute all violations of this act within his county. (Act Apr. 20, 1935, c. 226, §10.)

5887-71. Application of act.—The provisions of this act shall not apply to anyone culling his own poultry flocks, or to approved poultry extension specialists or county agricultural agents or home demonstration agents. (Act Apr. 20, 1935, c. 226, §11.)

CHAPTER 35A Collection Agencies

5888. To file bond with secretary of state—Conducting agency, etc.

A justice of the peace cannot act as collection agent without license. Op. Atty. Gen. (266a-3), Oct. 4, 1934.

Statute does not apply to persons, partnerships, associations, or corporations engaged in care and management of real property, who as an incident to their duty,

collect rentals for their clients. Op. Atty. Gen. (736c), Feb. 15, 1938.

Collection agency cannot avoid necessity for filing of bond by taking assignment of claims. Op. Atty. Gen. (828b), July 5, 1938.

Justice of the peace engaged in business of collection of bills must file bond, and obtain license. Op. Atty. Gen. (266a-3), Aug. 10, 1938.