

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



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culture and with other Federal authorities and with the state and municipal authorities of this and other states, and do and perform such acts and things as may be necessary and proper in carrying out the purpose of this act. (Act Apr. 25, 1931, c. 394, §15.)

6240-18½ o. Violations—penalties.—Any person subject to the provisions of this act who shall:

(a) Operate or advertise to operate as a dealer at wholesale without a license; or

(b) Make any false statement or report as to the grade, condition, markings, quality or quantity of produce received or delivered, or act in any manner so as to deceive the consignor or purchaser thereof; or

(c) Refuse to accept any shipment contracted for by him, unless such refusal is based upon the showing of a state inspection certificate secured with reasonable promptness after the receipt of such shipment showing that the kind and quality of produce is other than that purchased or ordered by him; or

(d) Fail to account for produce or to make settlement therefor within the time herein limited; or who shall violate or fail to comply with the terms or conditions of any contract entered into by him for the purchase or sale of produce; or

(e) Purchase for his own account any produce received on consignment, either directly or indirectly, without the consent of the consignor; or

(f) Issue any false or misleading market quotations, or who shall cancel any quotations during the period advertised by him; or

(g) Make or collect any commission or charge in excess of that shown in his schedule filed with the commissioner; or

(h) Increase the sales charges on produce shipped to him by means of "Dummy" or fictitious sales; or

(i) Receive produce from foreign states or countries for sale or resale, either within or without the

state, and give the purchaser the impression through any method of advertising or description that the said produce is of Minnesota origin; or

(j) Whoever shall violate any provisions of this Act or any rule or regulation made or published thereunder by the commissioner shall be guilty of a misdemeanor, and his license may be forthwith suspended, revoked or cancelled by the commissioner upon ten days' notice and opportunity to be heard; but upon conviction of any such offense, or upon conviction of any federal court for violation of the federal statutes relative to the fraudulent use of the mails or of other criminal acts pertaining to the conduct of his business, it shall be the duty of the commissioner forthwith to revoke and cancel the license of the person so convicted. (Act Apr. 25, 1931, c. 394, §16.)

6240-18½ p. Commissioner to enforce act.—The Commissioner shall be charged with the enforcement of the provisions of this Act and of the rules and regulations made and published thereunder. Upon complaint made it shall be the duty of the county attorney to prosecute all cases arising in his county for violation of this Act or of the rules or regulations made and published thereunder. (Act Apr. 25, 1931, c. 394, §17.)

Wholesale dealers shipping potatoes in violation of labeling act should be prosecuted in county where potatoes are loaded and billed. Op. Atty. Gen., Mar. 21, 1933.

6240-18½ q. Law repealed.—Chapter 427, General Laws 1927 [§§6240-1 to 6240-18], and all other acts and parts of acts inconsistent with this Act are hereby repealed. (Act Apr. 25, 1931, c. 394, §18.)

6241. Commissioner of agriculture authorized to make investigations.

Powers conferred upon the Commissioner under this section are not applicable to any investigation which the Commissioner may institute under §10390. Op. Atty. Gen., Oct. 15, 1931.

CHAPTER 39

Bounties and Rewards

6254. Bounties on wolves.—(a) Every person who shall kill a wild wolf in this state, not having at the time spared the life of any other such wolf he could have killed, shall upon compliance with the provisions of this act, be rewarded in the sum of fifteen dollars for each adult animal and six dollars for each cub, to be paid by the state out of the revenue fund or such other funds as may be appropriated therefor by law.

(b) Any county board may add to such reward and appropriate county funds therefor.

(c) For the purposes of this act any wolf killed before September 1st of the year in which it was born shall be deemed to be a cub, and any wolf killed on or after said date, if physically mature, though not full grown, shall be deemed to be an adult wolf. (R. L. '05, §2397; '07, c. 381, §1; G. S. '13, §5197; '23, c. 103, §1; Apr. 25, 1931, c. 368, §1.)

6255. Claim when and how made.—(a) Within thirty days after the killing, the claimant shall produce the entire carcass of the animal in the presence of two witnesses, to the clerk of the town, wherein the animal was killed, or, if the animal was killed in unorganized territory, to the nearest town clerk in the same county, and shall make and deliver to the town clerk a written statement of his claim under oath, in duplicate, describing the animal as adult or cub, as the case may be, specifying the time and place of the killing thereof by the claimant, and stating that he did not on that occasion spare the life of any wild wolf he could have killed. All animals produced at any one time shall be included in one statement.

(b) The clerk shall examine each carcass produced in the presence of witnesses, and shall make such further investigation as may be necessary to

verify the statements of the claimant. For the purposes of such investigation the clerk may examine under oath with respect to any pertinent matter the claimant and any other persons having knowledge of the facts, and may attach a statement of such investigation and examination to the statement of the claim. The toes of both front feet of the animal shall then be removed in the presence of the clerk and the two witnesses.

(c) The claimant may then remove the hide, including the scalp and ears, and shall then bury, destroy, or otherwise properly dispose of the remainder of the carcass. (R. L. '05, §2398; G. S. '13, §5198; Apr. 25, 1931, c. 368, §2.)

6256. Town clerk to issue certificate.—The town clerk, if satisfied that the statements of the claimant are true, that the requirements of the law have been complied with, and that the claimant is entitled to the reward claimed, shall make a certificate in duplicate so stating, and specifying that the requirements of the preceding section have been complied with. Both duplicates of the certificate shall be attested by the two witnesses and one shall be attached to each duplicate of the statement of the claim. All animals produced at any one time shall be included in one certificate. Both duplicates of the certificate and statement shall be delivered to the claimant, who shall pay a fee of thirty-five cents therefor. The clerk shall keep a record of all certificates issued by him, showing the date of issuance of each certificate, name of claimant, number and kind of animals killed, and date and place of the killing thereof. (R. L. '05, §2399; '07, c. 298; G. S. '13, §5199; Apr. 25, 1931, c. 368, §3.)

6257. Duties of county and state auditor.—(a) The claimant shall produce both duplicates of the statement and certificate, together with the hide of each animal described therein, with scalp and ears intact, to the county auditor. The auditor shall examine the same, and, if he finds that the statement and certificate are in proper form, and if he is satisfied that the hides produced are those of the animals described in the statement and certificate, that the requirements of the law have been complied with, and that the claimant is entitled to the reward claimed, he shall punch a three-eighths inch hole in each ear of each hide presented, and shall issue to the claimant a warrant upon county treasurer for the sum due. If any reward is offered by the county, a separate warrant shall be issued therefor. The auditor shall certify by indorsement upon both duplicates of the statement that the foregoing provisions of this section have been complied with, stating also the number, date and amount of each warrant issued in payment of the claim.

(b) The hides produced shall be returned to the claimant. Any transportation charges thereon shall be paid by the claimant.

(c) After issuing the warrant for the state reward the county auditor shall transmit one of the duplicates of the statement and certificate and a copy of the warrant, with a certificate by him stating that the warrant has been issued and requesting reimbursement therefor, to the state auditor, who shall thereupon issue and return his warrant upon the state treasurer in favor of the county for the amount paid.

(d) The county auditor shall keep a record of all claims for such rewards allowed and paid by him, showing the same items as hereinbefore specified for the records of the town clerk, also the numbers, dates, and amounts of all warrants issued in payment of such claims, specifying whether for state or county rewards. (R. L. '05, §2400; G. S. '13, §5200; Apr. 25, 1931, c. 368, §4.)

6258. Penalties.—Every person who shall fraudulently claim or obtain any reward for the killing of a wolf, or issue any fraudulent or unauthorized certificate or warrant therefor, or claim reward upon a wolf which he has in any way protected, or upon any tame or captive wolf, either full blood or crossed, or upon the offspring of any tame or captive wolf, shall be guilty of a gross misdemeanor, the punishment for which shall be a fine of not less than \$100.00 nor more than \$500.00, or imprisonment in the county jail for not less than sixty days nor more than six months, or both such fine and imprisonment; provided, that the provisions of this section shall not be deemed to supersede or to exclude the operation of any other penal law which may be applicable. (R. L. '05, §2401; G. S. '13, §5201; Apr. 25, 1931, c. 368, §5.)

6259. Gophers, rattlesnakes, crows, etc.

Town need not pay bounties on gophers and crows which were killed outside the town. Op. Atty. Gen., Mar. 18, 1931.

6260. What must be produced, etc.

Town need not pay bounties on gophers and crows which were killed outside the town. Op. Atty. Gen., Mar. 18, 1931.

6260-1. County board may pay bounty on grey foxes.—Any county board may by resolution offer a bounty for the destruction of grey foxes. The resolution may be made to cover the whole or any part of the county, and may be annually renewed, but it shall have force and effect only during the calendar year in which it is adopted or renewed. (Act Apr. 24, 1931, c. 309, §1.)

6260-2. Claimant shall produce body.—Within 30 days after the killing, the claimant shall produce the entire carcass of the animal in the presence of two witnesses to the clerk of the town wherein the animal was killed, or, if the animal was killed in unorganized territory, to the nearest town clerk in the same county, and shall make and deliver to the town clerk

a written statement of his claim under oath in duplicate, describing the animal as adult or cub, as the case may be, specifying the time and place of the killing thereof by the claimant, and stating that he did not on that occasion spare the life of any grey fox he could have killed. All animals produced at any one time shall be included in one statement.

The clerk shall examine each carcass produced in the presence of the witnesses, and shall make such further investigation as may be necessary to verify the statements of the claimant. For the purposes of such investigation the clerk may examine under oath with respect to any pertinent matter the claimant and any other persons having knowledge of the facts, and may attach a statement of such investigation and examination to the statement of the claim. The toes of both front feet of the animal shall then be removed in the presence of the clerk and the two witnesses.

The claimant may then remove the hide, including the scalp and ears, and shall then bury, destroy or otherwise properly dispose of the remainder of the carcass. (Act Apr. 24, 1931, c. 309, §2.)

6260-3. Town clerk to make certificate.—The town clerk if satisfied that the statements of the claimant are true, that the requirements of the law have been complied with and that the claimant is entitled to the bounty claimed, shall make a certificate in duplicate so stating, and specifying that the requirements of the preceding section have been complied with. Both duplicates of the certificate shall be attested by the two witnesses and one shall be attached to each duplicate of the statement of the claim. All animals produced at any one time shall be included in one certificate. Both duplicates of the certificate and statement shall be delivered to the claimant, who shall pay a fee of thirty-five cents therefor. The clerk shall keep a record of all certificates issued by him, showing the date of issuance of each certificate, name of claimant, number and kind of animals killed, and date and place of the killing thereof. (Act Apr. 24, 1931, c. 309, §3.)

6260-4. Certificate to be presented to county auditor.—The claimant shall produce both duplicates of the statement and certificate, together with the hide of each animal described therein, with scalp and ears intact, to the county auditor. The auditor shall examine the same, and if he finds that the statement and certificate are in proper form, and if he is satisfied that the hides produced are those of the animals described in the statement and certificate, that the requirements of the law have been complied with and that the claimant is entitled to the bounty claimed, he shall punch a three-eighths inch hole in each ear of each hide presented, and shall issue to the claimant a warrant upon the county treasurer for the sum due.

The county auditor shall keep a record of all claims for such rewards allowed and paid by him, showing the same items as hereinbefore specified for the records of the town clerk, also the numbers, dates, and amounts of all warrants issued in payment of such claims, specifying whether for state or county rewards (Act Apr. 24, 1931, c. 309, §4.)

6260-5 Fraudulent claims—penalties.—Every person who shall fraudulently claim or obtain any bounty for the killing of a grey fox, or issue any fraudulent or unauthorized certificate or warrant therefor, or claim reward upon a grey fox which he has in any way protected, or upon any tame or captive grey fox, or upon the offspring of any tame or captive grey fox, shall be guilty of a gross misdemeanor, the punishment for which shall be a fine of not less than \$100.00 nor more than \$500.00, or imprisonment in the county jail for not less than 60 days nor more than six months or both such fine and imprisonment; provided, that the provisions of this section shall not be deemed to supersede or to exclude the operation of any other penal law which may be applicable. (Act Apr. 24, 1931, c. 309, §5.)