

cases where such renewal is made before the end of its period of duration. Provided, however, that the proceedings to obtain such renewal shall be taken within six months after the passage of this act. Provided, further, that this act shall not affect any pending litigation, nor apply to any corporation whose charter has been declared forfeited by any court of competent jurisdiction in this state.

**Sec. 2. Proceedings validated.**—That when such steps are taken to renew the corporate existence of such co-operative association, such proceedings shall relate back to the date of the expiration of said original corporate period, and when said period is extended as provided by this act, any and all corporate acts and contracts done, performed, made and entered into after the expiration of said original period shall be and each is hereby declared to be legal and valid.

✓ Approved April 13, 1935.

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#### CHAPTER 164—H. F. No. 203

*An act relating to the fixing of standard grades for potatoes, the inspection, branding and labeling thereof, and the sale and transportation thereof, and providing penalties for the violation thereof.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Potato grades.**—The intent and purpose of this Act is to regulate the grade of potatoes when such potatoes are offered for sale by any person, grower, firm, dealer, trucker, association, organization or corporation or any other person, either by wholesale or retail, or in any other manner; provided, however, that the provisions of this act shall not apply to the grower when hauling, transporting, delivering, consigning, or selling potatoes of his own production and excepting Minnesota grown potatoes marketed between July 1st and September 15th.

**Sec. 2. Definitions.**—The following terms, whenever used in this act, or in rules and regulations hereafter promulgated by the Commissioner of Agriculture, shall have the meaning as indicated:

(a) "Commissioner" shall mean the Commissioner of Agriculture, Dairy & Food of the State of Minnesota.

(b) The term "Potatoes" shall mean all potatoes offered for sale within the State of Minnesota.

(c) "Container" or "Package" shall mean cloth, burlap, or fibre sacks, barrels, boxes, crates, cartons, hampers or baskets.

(d) "Person" as used herein shall mean any grower, dealer, shipper, trucker, society, association, organization, corporation, or their agents or representatives.

**Sec. 3. Standard grades.**—The standard grades for Minnesota potatoes shall be the United States potato grades and shall conform in all respects and be identical with the latest standards established by the United States Department of Agriculture for potatoes all of which grades and standards are hereby adopted and shall be used in this state in the grading of potatoes for sale, provided that potatoes not conforming to the established United States potato grades may be sold in this state if labeled, tagged or branded in the same manner as graded potatoes, except that in place of specifying the grade, the word "unclassified" shall be used; provided further that Certified Seed Potatoes inspected and certified under the authority of the commissioner of agriculture shall not be affected by this act but shall be graded and tagged as required under the Seed Potato Certification Act, being Laws 1927, Chapter 115.

**Sec. 4. All shipments must be tagged.**—(a) It shall be unlawful for any person, firm, trucker, association, organization or corporation, or agent, representative or assistant to any person, firm, trucker, association, organization, or corporation except those hereinbefore exempted, to sell, transport, deliver or consign potatoes prepared for market unless each container has been legibly and conspicuously tagged, branded, labeled and stenciled (before being moved from the premises of the person or persons responsible for the grading and packing), and the name of the grade legibly placed thereon, together with the true net contents expressed in weight.

(b) Bulk shipments shall be accompanied by two cards not less than four by six inches in size placed in the inside of the car near each door. Likewise cards in size herein described shall be prominently placed on all bulk shipments made by truck or other conveyance. Upon each card shall appear the name and address of the consignor, the name of the grade, the name of the loading station, the date of loading and the name and address of the consignee, if known.

**Sec. 5. Must not be sold or transported unless tagged.**—It shall be unlawful for any person, as defined in this act, to sell, deliver or consign potatoes which have not been graded and branded or tagged to conform to the requirements of the

grade declared. The grade declared shall conform to the provisions of this act.

It shall be unlawful for any common carrier by railroad or any person to transport or deliver in any manner whatever potatoes which have not been tagged or branded, and which tag or brand shall show the claimed grade of said potatoes; provided, that this section shall be subject to the conditions of Section 1 of this act.

No person shall transport for sale any potatoes on the highways who is the owner thereof, unless such potatoes are being transported for the purposes set forth in Section 1 of this act, unless such potatoes have been graded and branded to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of this act.

**Sec. 6. Certificate of inspectors.**—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 fully authorized and commissioned inspector of the commissioner of agriculture 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 such contract.

**Sec. 7. Payment of compensation—Certain acts to be bribery.**—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 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.

**Sec. 8. Commissioner of Agriculture to enforce Act.**—The Commissioner of Agriculture is hereby charged with enforcement of this Act and is given power to do so, both unto himself and to his duly appointed representatives, and he shall at all times have access to all buildings, yards, warehouses, storage and transportation facilities in which potatoes are kept, stored, handled or transacted, to inspect the same as to

grade, quality, condition, and packs, tagging, branding and labeling.

**Sec. 9. Violation a misdemeanor.**—Whoever violates this Act or any part or provision thereof, by not grading potatoes as herein required, or by not tagging or branding containers as herein required, or by removing or altering any tag or brands placed upon or attached to any containers as in this Act required, unless ordered to do so by the Commissioner of Agriculture, or his duly appointed representative or representatives, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10.00, nor more than \$100.00 or by imprisonment in the county jail of not less than 30 days nor more than three months, or by both such fine and imprisonment in accordance with the discretion of the Court.

**Sec. 10. Acts severable.**—If any section, sub-section, subdivision, sentence, clause, paragraph or phrase of this Act is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Act, so long as sufficient remains of this Act to render the same operative and reasonably effective for carrying out the main purpose and intention of the Legislature in enacting the same, as such purpose and intention may be disclosed by this Act.

**Sec. 11. Inconsistent acts repealed.**—All Acts and parts of Acts inconsistent herewith are hereby repealed.

**Sec. 12. Effective July, 1935.**—This Act shall be in full force and effect from and after July 1st, 1935.

Approved April 13, 1935.

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#### CHAPTER 165—H. F. No. 212

*An Act to require physicians, surgeons, all persons engaging in the practice of healing, superintendents or managers of hospitals, nurses, and pharmacists, whether such persons are licensed or not, to report to the proper law enforcement authorities, all injuries to patients inflicted by the discharge of a gun, pistol, or other firearm, and making failure to comply herewith a gross misdemeanor.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Physicians, etc., to report injuries.**—Every physician, every surgeon, every person authorized to engage in