

*pageants, it may stage such pageant in any municipal park or other lands near or adjoining any state park, and all receipts from such pageant shall be used in the same manner as though the pageant were carried on in a state park."*

**Sec. 2. Fees to be paid into state treasury.**—Laws 1933, Chapter 396, Section 5, is hereby amended so as to read as follows:

*"Section 5. Except as otherwise provided by this act all moneys received and collected from the operation of this act shall be deposited with the State Treasurer, who shall deposit the same to the credit of the various parks affected, and all moneys so deposited are hereby appropriated to be used for the improvements and development of the park from which said fees are received."*

Approved April 15, 1935.

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#### CHAPTER 186—H. F. No. 691

*An act to amend Laws 1931, Chapter 394, Sections 4, 6 and 17, relating to the defining, licensing and regulating of dealers at wholesale in produce.*

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

**Section 1. Licenses for wholesale dealers in produce.**—Laws 1931, Chapter 394, Section 4, is hereby amended so as to read as follows:

*"Section 4. License to engage in the business of a dealer at wholesale within the State of Minnesota shall be issued by the Commissioner to such reputable persons as shall apply therefor, pay the prescribed fee and comply with the conditions herein specified, to-wit:*

(a) The application shall be in writing, accompanied by the prescribed fee, and under oath and shall set forth the place or places where the applicant intends to carry on the business for which the license is desired, the estimated amount of business to be done monthly, the amount of business done during the preceding year, if any, the full names of the persons constituting the firm, in case the applicant is a co-partnership, the names of the officers of the corporation and where incorporated, if a corporation, and a financial statement showing the value and character in a general way of the assets and the amount of liabilities of the applicant.

(b) The applicant shall execute and file with the Commissioner a bond to the State of Minnesota with sureties to be approved by the Commissioner, the amount and form thereof to be fixed by the Commissioner, conditioned for the faithful performance of his duties as a dealer at wholesale, provided that any and all bonds heretofore executed and filed with the Commissioner by dealers at wholesale containing substantially the requirements of this act are hereby confirmed and approved, for the observance of all laws relating to the carrying on of the business of a dealer at wholesale, for the payment when due of the purchase price of produce purchased by him when notice of default is given the Commissioner within 30 days after the due date; provided that the bond shall not cover transactions wherein it appears to the Commissioner that a voluntary extension of credit has been given on said produce by the seller to the licensee beyond the due date, for the prompt settlement and payment of all claims and charges due the State of Minnesota for services rendered or otherwise, for the prompt reporting of sales, as required by law, to all persons consigning produce to the licensee for sale on commission and the prompt payment to the persons entitled thereto of the proceeds of such sales, less lawful charges, disbursements and commissions. Such bond shall cover all wholesale produce business transacted in whole or in part within the State of Minnesota, and the license, or a certified copy thereof, shall be kept posted in the office of the licensee at each place within the state where he transacts business. All licenses shall expire May 31 of each year. The fee for each license shall be \$12.50, and for each certified copy thereof one dollar. Whenever the licensee shall sell, dispose of or discontinue his business during the lifetime of his license, he shall at the time such action is taken notify the Commissioner in writing, and shall upon demand produce before the Commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of said business.

(c) The applicant shall file with the Commissioner a schedule of his commissions and charges for services in connection with produce handled on account of or as agent for another.

(d) *All moneys collected from license fees shall be deposited in the state treasury in a separate fund known as the Wholesale Dealers' Enforcement Fund, and shall be used by the produce inspection division of the department of agriculture, dairy and food for the purpose of supervising and regulating the provisions of this act. Such moneys shall only be expended upon the order of the Commissioner.*"

Sec. 2. **Complaints.**—Laws 1931, Chapter 394, Section 6 is hereby amended so as to read as follows:

“Section 6. Any person claiming himself to be damaged by any breach of the conditions of a bond given by a licensee as hereinbefore provided may enter complaint thereof to the Commissioner, which complaint shall be a written statement of the fact constituting said complaint. Upon filing such complaint in the manner herein provided, the Commissioner shall investigate the charges made, and at his discretion order a hearing before him, giving the party complained of notice of the filing of such complaint and the time and place of such hearing. At the conclusion of said hearing the Commissioner shall report his findings and render his conclusion upon the matter complained of to the complainant and respondent in each case, who shall have 15 days following in which to make effective and satisfy the Commissioner’s conclusions. And if such settlement is not effected within the time aforesaid, either party, if aggrieved by any condition of the bond may upon first obtaining the approval of the Commissioner commence and maintain an action against the principal and sureties on the bond of the party complained of as in any civil action, provided no action against the bondsmen of a licensee shall in any instance be maintained without the written approval of the commissioner, which shall be attached to and made a part of the original complaint in such action. Upon commencing such action a copy thereof shall be filed in the office of the commissioner. The record of the hearing before the commissioner shall be competent evidence in any court having jurisdiction. If such licensee has become liable to more than one person by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all persons entitled to the protection of the bond, the penalty of the bond as against the sureties shall be apportioned among the several claimants. In all cases where the liability of the licensee exceeds the amount of his bond, or where the amount of the claims do not exceed the amount of the bond, and the claimants so request in writing, the Commissioner shall commence an action for the recovery of the amount claimed and the surety or bondsman upon said bond shall be liable to the extent of the amount recovered not exceeding the amount of said bond and when recovered such amount shall be deposited with the Commissioner who shall in the same action; subject to the approval of the court, pass upon and allow or disallow all claims which may be presented to him for payment or apportioned thereunder, and to effect the purposes herein may employ counsel, the expense thereof to be paid out of the amount recovered on such bond.”

**Sec. 3. Commissioner to enforce law.**—Laws 1931, Chapter 394, Section 17, is hereby amended so as to read as follows:

“Section 17. 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. *The Commissioner and his duly authorized agents and inspectors appointed for the purpose of enforcing the provisions of this act shall have the power of police officers in the enforcement of this act.*”

Approved April 15, 1935.

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CHAPTER 187—H. F. No. 737

*An act to amend Laws 1933, Chapter 60, Section 1, relating to the powers of village councils of any village now or hereafter having a population of 8,000 inhabitants, to establish and maintain a public charity bureau for relief purposes.*

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

**Section 1. Certain villages may establish public charity bureaus.**—Laws 1933, Chapter 60, Section 1, is hereby amended so as to read as follows:

“Section 1. The village council of any village now or hereafter having a population of more than 8,000 inhabitants may establish and maintain a public charity bureau for the purpose of providing public charitable relief to the poor therein, *and to assist ex-service men in securing hospitalization, sick relief, Federal Aid or benefits, and for the relief generally of such persons, and to defray the expense thereof.*”

Approved April 15, 1935.

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CHAPTER 188—H. F. No. 752

*An act to amend Mason's Minnesota Statutes of 1927, Section 5574, as amended by Laws 1933, Chapter 392, Section 26, relating to wild animals and to the protection and propagation thereof and to the taking of certain kinds of rough fish.*