

## CHAPTER LXXXVI.

## AN ACT TO REGULATE THE STORAGE OF GRAIN.

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

SECTION 1. That whenever any grain shall be delivered for storage to any person, association or corporation, such delivery shall in all things be deemed and treated as a bailment and not as a sale of the property so delivered, notwithstanding such grain may be mingled by such bailee with the grain of other persons, and notwithstanding such grain may be shipped or removed from the warehouse, elevator, or other place where the same was stored. And in no case shall the grain so stored, and which such bailee may hereafter be required to keep on hand, be liable to seizure upon any process of any court in an action against such bailee.

Not liable to seizure.

SEC. 2. Whenever any grain shall be deposited in any warehouse, elevator, or other depository for storage, the bailee thereof shall issue and deliver to the person so storing the same, a receipt or other written instrument, which shall, in clear terms, state the amount, kind and grade of the grain stored, the terms of storage, and if advances are made, the words "advance made;" which receipts shall be *prima facie* evidence that the holder thereof has in store with the party issuing such receipt, the amount of grain of the kind and grade mentioned in such receipt; and any warehouseman; proprietor of an elevator, or bailee, who shall issue any receipt or other written instrument for any grain received for storage, which shall be false in any of its statements, shall be guilty of a misdemeanor, and shall upon conviction be punished by fine not exceeding three hundred dollars, or imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

Receipt to be given for same.

Fraudulence.

SEC. 3. It shall be the duty of every person, association or corporation receiving any grain for storage, upon the demand of the bailee or his assigns or representatives, and tender of all charges for storage and money advanced by the bailee, and upon the faith and credit of such bailment and offer to surrender and and receipt or other written instrument evidencing the receipt of such grain for storage, to deliver to the person entitled thereto a quantity of grain equal in amount and of the kind and grade delivered to such bailee. Every person and every member of any association or corporation who shall, after demand, tender and offer, as provided in section three (3) of this act, willfully neglect or refuse to deliver to the person making such demand, the full amount of grain of the kind and grade which such person is entitled to demand of such bailee, shall be

Regarding the surrender of same

Refusal.

deemed guilty of larceny, and shall be punished by fine or imprisonment or both, as is prescribed by law for the punishment of larceny.

SEC. 4. Whenever, upon any demand, tender or offer, as provided in section three (3) of this act, any such bailee shall neglect or refuse to deliver any grain received for storage, or a quantity of grain equal in amount and of the same kind and grade as received, any such bailer or his assigns or representative, may commence in any court having jurisdiction thereof, an action against such bailee to recover possession of a quantity of grain equal in amount and of the same kind and grade as that delivered to such bailee, and in every action it shall be the duty of the sheriff or other proper officer to take into his possession from the warehouse of such bailee, or other place where he may have the same, a quantity of grain equal in amount and of the same grade as that specified in the affidavit made or writ issued in such action. Such action shall be commenced and prosecuted, if in district court, in the manner provided in actions for the claim and delivery of personal property; and if in justice courts, in the manner provided in actions for replevin.

Actions for recovery.

SEC. 5. Warehouse receipts, given for any goods, wares and merchandise, grain, flour, produce or other commodity, stored or deposited with any warehouseman, or other person or corporation in this state, or bills of lading, or receipt for the same when in transit by cars or vessels to any such warehouseman or other person, shall be negotiable, and may be transferred by endorsement and delivery of such receipt or bill of lading; and any person to whom the said receipt or bill of lading may be transferred, shall be deemed and taken to be the owner of the goods, wares or merchandise therein specified, so as to give security and validity to any lien created on the same, subject to the payment of freight and charges thereon. *Provided*, that all warehouse receipts or bills of lading, which shall have the words "not negotiable" plainly written or stamped on the face thereof, shall be exempt from the provisions of this act,

Warehouse receipts, etc., transferable—when not.

SEC. 6. No person receiving or holding grain in store shall sell or otherwise dispose of or deliver out of the storehouse or warehouse where such grain is held or stored, the same or any part thereof without the express authority of the owner of such grain, and the return of the receipt given for the same, except as herein provided.

Grain so stored not to be sold—mixing of same.

SEC. 7. It shall be unlawful for any warehouseman, or owner or keeper of any elevator, or any agent of either, to mix together any grain of different grades, so received in store, or to select different qualities thereof of the same grade for the purpose of storing or delivering the same, or attempt to deliver grain of one grade for another, or in any way to tamper with any grain of other persons while in his possession or custody, with a view to securing any profit to himself or any one without the consent of the owner.

SEC. 8. Any warehouseman or other person violating any of

Violations. the provisions of section six (6) or section seven (7) of this act, shall be deemed guilty of a felony, and upon conviction shall be fined in a sum of not over one thousand dollars, or imprisonment in the state prison of this state not exceeding five years or both.

When act to take effect. SEC. 9. This act shall take effect, and be in force from and after its passage.

Approved March 3, 1876.

## CHAPTER LXXXVII.

AN ACT TO AMEND CHAPTER THIRTY-ONE (31), OF THE STATUTES AT LARGE OF THE STATE OF MINNESOTA, ENTITLED "OF THE COLLECTION OF STATISTICS."

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

SECTION 1. That section 3, of chapter 31, of the statutes at large of the state of Minnesota, entitled "Of the collection of statistics," be and the same is hereby amended so as to read as follows:

Township assessors' statement. Sec. 3. Each township assessor shall on the first Monday in July, annually, transmit to the county auditor a complete statement in abstract of the number of acres cultivated for the current year within his assessment district in each of the following crops, together with the area and product for the year immediately preceding, of wheat, rye, oats, barley, buckwheat, corn, beans, peas, potatoes, sorghum, cultivated and wild hay, flax, hops, fruit trees in bearing, berries, bees, honey, and other farm produce, and also the number of milch cows two years old and over, cattle under two years old, and other cattle two years old and over, horses under three years old and horses over three years old, mules, sheep hogs and poultry. Suitable blanks for such statements shall be furnished to said assessors by the county auditor, prepared and supplied by the commissioner of statistics.

Blanks for same. Any assessor who shall fail or omit to perform said duties in any respect shall be subject to a forfeiture of a sum not exceeding fifty dollars for each and every offense; and it shall be the duty of the county auditor to inform the county attorney for prosecution for the recovery of said penalty in every instance of such delinquency. Each county auditor shall carefully compile and forward to the commissioner of statistics a full abstract of said returns on the second Monday of July, under a penalty of fifty dollars, to be forfeited to the state for every failure to perform such duty, which said abstract shall be tabulated in convenient

Penalties for non-performance.

Returns of county auditor—failure.