

until discharged by due course of law; and in case a corporation is so convicted, the fine may be collected by execution, as judgments are collected in civil actions, or the property of the corporation may be sequestered and charged with the same in appropriate legal proceedings.

SEC. 10. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after the date of its passage.

Approved April 16th, 1895.

CHAPTER 149.

S. F. No. 457.

Storage and
warehousemen.

An act to license and regulate the business of storage companies and public warehousemen (other than warehousemen of grain in bulk) and to provide penalty for violation of the same.

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

License by
governor.

SECTION 1. The governor may license any suitable person, persons, or corporations established under the laws of this state, and having their place or places of business within this state, to carry on the business of storage companies or public warehousemen, who may keep and maintain public warehouses for the storage of goods, wares and merchandise etc., excepting grain in bulk.

Said license must be obtained within thirty days from and after the passage of this bill, upon the payment into the treasury of the state of the sum of ten dollars; and annually thereafter, by the payment of a like sum, to be credited to the school fund of the state.

Bonds.

SEC. 2. Each person or corporation licensed under the preceding section shall give a bond to the treasurer of the state in the penal sum of five thousand (\$5,000) dollars, with good and sufficient sureties to be approved by the governor, for the faithful discharge of the duties of a public warehouseman.

Actions on
bond.

SEC. 3. When any one licensed to do business as a storage company or as a public warehouseman fails to perform his duty, or violates any of the provisions of this chapter, any person, persons or corporation injured by such failure or violation may, with the consent of the attorney general, bring an action in the name of the state, but to his or their own use, in any

court of competent jurisdiction, on the bond of such storage company or warehouseman.

In such action the person, persons or corporation in whose behalf the action is brought shall file with the court a satisfactory bond for costs, and the state shall not be liable for any costs.

SEC. 4. Every such storage company or warehouseman shall when requested thereto in writing by any party placing property with him in storage, cause such property to be insured for whom it may concern;

Insuring goods stored.

And no such storage company or warehouseman shall be held liable for the loss or damage by fire to the owner or owners of any property stored with him, unless such request to insure is made as aforesaid and he or they fail to comply therewith; *provided*, that such loss or damage is not occasioned through the negligence of himself, his agents, servants or employes.

Provided, that such storage company or warehouseman may, in case they deem it necessary and proper, insure such property without such request in writing, in which event the cost of such insurance shall be and become a valid lien and charge thereon as provided in section eight of this act.

SEC. 5. The title to goods and chattels stored with a storage company or in a public warehouse shall pass to a purchaser, or pledgee, by the indorsement and delivery to him of the storage company's or warehouseman's negotiable receipt therefor, signed by the party to whom such receipt was originally given, or by an indorsee of such receipt, subject to all liens and charges thereon for warehouseing, advanced charges and insurance.

Title follows warehouse receipt.

SEC. 6. Every such storage company or warehouseman shall receive, forward and store all property offered for such purposes by any person, persons or corporation, impartially and at as low a rate of charge, and in a manner and on terms, and in quantities as favorable to the party offering such property as it or he at the same place receives, forwards and stores, in the ordinary course of business, property of like description and in similar quantities offered by any other person, persons or corporation.

And no such storage company or warehouseman shall discriminate against any particular person, persons or corporation, or subject them or him to any undue or unreasonable prejudice or disadvantage.

No discrimination.

And any court having jurisdiction shall have power to enforce the provisions of this act by injunction, or other suitable process.

SEC. 7. Every such storage company or warehouse-

Penalty for discrimination.

man who neglects, or refuses to comply with the provisions of the preceding section shall forfeit, for every such offense, not less than fifty nor more than five hundred dollars, to be recovered in an action by the party offering the property for storage.

Lien for charges.

SEC. 8. Every such storage company or warehouseman who stores, keeps, cares for, or advances money on, or insures personal property shall have a lien thereon for his reasonable charges for storing, keeping, caring for and insuring the same, and for the charges he may have advanced on the same and legal interest thereon, and may retain possession of the same, and have the same power of sale for the satisfaction of his reasonable charges for storage, advance charges and interest and insurance, upon the same conditions and restrictions as provided in sections three and four of chapter two hundred and two of the general laws of Minnesota for one thousand eight hundred and eighty-five; and such lien shall take precedence over any other lien on said property.

Must be licensed.

SEC. 9. It shall be unlawful for any person, persons or corporation, not duly licensed as herein provided, to conduct or carry on the business of a storage company or warehouseman in this state.

Penalty.

SEC. 10. Any person, persons or corporation who shall violate the provisions of section nine or eleven of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding one thousand dollars.

To whom applicable.

SEC. 11. This act shall not be construed to apply to any railroad or transportation company who holds goods, wares, or merchandise in cars, freight houses or warehouses for a period not exceeding twenty days after receipt.

Provided, such railroad or transportation company shall, within forty-eight hours after the receipt of such goods, wares and merchandise, notify the consignee of the arrival thereof in writing, and in case such consignee, or his assigns fails and neglects to call for or receive said goods, wares or merchandise within twenty days after such receipt of same by any railroad or transportation company as aforesaid, said railroad or transportation company must then turn over said goods, wares, or merchandise to a storage company or public warehouseman, licensed as in this act provided, upon the payment of the charges of said carrier thereon, which charges thus paid by said storage company or warehouseman to said carrier shall be a lien on said goods, wares or merchandise, and enforceable in accordance with sections one, two, three and four, chapter

two hundred and two, of the general of one thousand eight hundred and eighty-five.

SEC. 12. That all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after July first, A. D. one thousand eight hundred and ninety-five.

Approved April 25th, 1895.

CHAPTER 150.

H. F. No. 295.

An act to prohibit railway corporations doing business in the State of Minnesota, from charging excess for overloading cars, and providing penalties for overloading cars.

Overloading cars. *

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

SECTION 1. That every railway company doing business in the state of Minnesota shall place lines inside their cars with paint, which shall indicate to what height in the car any certain grain can be loaded, and when loaded to such line, no excess charges above the car load rate for overloading shall be charged;

Cars to be marked inside for grain.

Provided, however, that the person who shall load said car with grain shall note on the bill of lading, previous to its being signed by the railway agent, conductor, or other official acting for the railway company, that the car is loaded up to or below the line marked for the grain loaded, and it shall then be the duty of such railway agent, conductor or other official, before signing such bill of lading or receipt, to ascertain the truth of the statements contained therein, and then to sign said bill of lading or receipt, and such bill of lading or receipt, signed by the railway agent, conductor or other official shall be prima facie evidence that it was so loaded and no excess charges above the car load rates for overloading shall lie against such car.

No charge for excess.

Provided further that no car shall be loaded above the grain line indicated in such car.

Not to be loaded above mark.

Provided, further, that any person who loads any car above the proper grain line, marked in the car, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than twenty (20) dollars.

Penalty.

SEC. 2. If any railway company shall neglect or refuse to place such line in its cars it shall be prohibited

Remedy.