

CHAPTER 196.

H. F. No. 439.

An act providing for the establishment of public hay tracks and the weighing and inspection of hay and straw at terminal points in this state.

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

SECTION 1. Terminal Points—Terminal points as designated by this act shall mean the cities of St. Paul, Minneapolis, Duluth and South St. Paul.

Weighing
and inspection
of
hay, etc.

SEC. 2. Public Hay Tracks—The railroad and warehouse commission, hereinafter designated "the commission," shall designate at convenient places, on the several lines of railway entering terminal points in this state, tracks to be known as public hay tracks. The different railway companies either separately or jointly are hereby required to provide suitable tracks to meet the requirements of this act. Such public hay tracks may be established on each individual line of railway, or they may be so established as to serve for two or more railways.

SEC. 3. All Hay and Straw to be Delivered at Hay Tracks—All hay and straw shipped to terminal points unless otherwise directed by the consignor shall, by the common carrier transporting the same, be brought to and delivered at one or another of such public hay tracks, for the purpose of being weighed and inspected as hereinafter provided.

Delivery
at tracks.

SEC. 4. All Hay and Straw to be Weighed—All hay and straw so received shall be weighed and inspected by duly appointed weighers and inspectors of hay and straw under such rules and regulations as the commission shall establish.

Weighing.

SEC. 5. Common Carriers to Construct Scales. Some Controlled by State Weighmasters. Cost of Inspecting Scales—It shall be the duty of all common carriers transporting hay to such terminal points to construct and maintain at such public hay tracks as may be established by the commission, suitable track scales of such size and capacity as the commission shall direct. If in its judgment it is necessary, the commission may order that such track scales be housed in such a manner as to insure accuracy. All scales at such hay tracks shall be under the control of state weighmasters and subject to inspection by them, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the

Scales.

Control of
state weigh-
masters.

request of any person interested in any hay or straw to be weighed thereon. If found incorrect the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until re-examined and found correct. *Provided* that nothing in this act shall be so construed as to prevent the use of such scales by the owner for the purpose of weighing any other commodities in carload lots.

Commission
to appoint.

SEC. 6. Commission to Appoint Weighers and Inspectors. Same Under Immediate Supervision of Chief Inspector of Grain. Reinspecting and Final Review—The commission shall appoint a suitable number of persons to perform such weighing and inspecting of hay and straw. Such weighers and inspectors shall be under the immediate supervision of the chief inspector of grain. In case of dissatisfaction of any interested person with the official acts of any inspector reinspecting may be had upon application to the aforesaid chief inspector of grain or either of his chief deputies. A final appeal from the decision of said chief inspector of grain or his deputy inspectors may be made to the board of final review, to be provided for by the commission under the rules it shall establish. The decision of such board of review shall be final, *provided* the commission may provide suitable rules for the cancellation of any certificate of inspection issued upon original inspection; reinspecting or upon final review when it appears that owing to the manner in which cars of hay or straw were loaded it was impossible for the inspector to obtain a fair sample.

Rules.

SEC. 7. Commission to Make All Rules—The commission shall adopt all necessary rules and regulations for the weighing and inspecting of hay and straw at such terminal points.

Penalty.

SEC. 8. Penalty for Interfering With Weighers or Inspectors. Official Bond and Oath of Weighers and Inspectors—In case any person or railway corporation or any of their agents or employes shall refuse or prevent the aforesaid weighers and inspectors of hay and straw from having free access to their scales and tracks in the regular performance of their duties as such weighers or inspectors of hay and straw, they shall forfeit to the State of Minnesota the sum of one hundred (100) dollars for each offense, such penalty or forfeiture to be paid to the state treasurer for the benefit of the hay inspection fund

hereinafter created, and shall also be required to pay all costs of prosecution. All weighers and inspectors of hay and straw shall take an oath of office the same as required of deputy grain inspectors, and shall give a bond to the State of Minnesota in the penal sum of five thousand (\$5,000) dollars with good and sufficient sureties to be approved by the commission, and conditioned in like manner as the commission require from the chief inspector of grain. The bonds given by such weighers and inspectors of hay and straw shall be filed in the office of the secretary of state and suit may be brought upon said bond, or bonds, in any court having jurisdiction thereof for the use of the person so injured.

Oath.

SEC. 9. Chief Inspector May Remove Weighers and Inspectors—The chief inspector of grain shall have the power to remove any of said weighers or inspectors of hay and straw at pleasure.

Removal of weighers.

SEC. 10. Commission to Fix Fee for Weighing and Inspecting and Salary of Weighers and Inspectors—Such weighers and inspectors of hay and straw shall be governed in the performance of their duties by such rules and regulations as may be provided by the commission; the commission shall have power to fix the rate of charges for the weighing and inspecting of hay and straw and the manner in which the same shall be collected, which charges shall be regulated in such manner as will in the judgment of the commission produce sufficient revenue to meet the necessary expenses of the weighing and inspecting service, and no more; the commission shall fix the amount of compensation to be paid to the weighers and inspectors of hay and straw and prescribe the time and manner of payment thereof, which compensation shall be paid out of a hay inspection fund, hereinafter created, on the order of the commission.

Fee. Compensation.

SEC. 11. Qualification of Weighers and Inspectors and Sureties on Their Bonds—No weigher nor inspector of hay or straw nor any of the sureties on their bond, or bonds as the case may be, shall during his term of service be in any way interested in the handling, storing, shipping, purchasing or selling of hay or straw, or any of their products, nor in the employment of any person or corporation engaged therein, nor shall they be members of any board of trade or organization of like character.

Bonds.

SEC. 12. Reasons for Removal—Upon complaint in writing of any person to the commission, supported by

Removal of weighers.

reasonable and satisfactory proof that any weigher or inspector of hay and straw has violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of this position, such person shall be by the commission immediately removed from office.

Penalty for
impersona-
tion.

SEC. 13. Penalty for Impersonating Weigher or Inspector—Any person not duly appointed and qualified, who shall assume to act as a weigher or inspector of hay and straw, shall be guilty of a misdemeanor and be punished by a fine of not less than fifty (\$50) nor more than one hundred (\$100) dollars.

Penalty for
neglect.

SEC. 14. Penalty for Neglect of Duty and Carelessness. Penalty for Improperly Influencing Weigher or Inspector—Any duly authorized weigher or inspector of hay and straw who shall be guilty of any neglect of duty or who shall knowingly or carelessly weigh or inspect any hay or straw improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty or any improper performance of duty as such weigher or inspector of hay and straw, or any person who shall improperly influence or attempt to influence any weigher or inspector of hay and straw in the performance of his duties as such weigher or inspector, as the case may be, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars or shall be imprisoned in the county jail not less than thirty (30) days nor more than one year, or both, in the discretion of the court.

Separate
fund

SEC. 15. Weighing and Inspecting Charges, Lien on Hay and (or) Straw. Collections to Constitute Separate Fund—The charges for the weighing and inspecting of hay and straw shall be and constitute a lien on the hay and straw so weighed or inspected, and whenever such hay and straw is in transit the said charges shall be considered as advance charges, to be paid by the common carrier in whose possession the same is at the time of weighing or inspecting. All money so collected, and all fines and penalties for violation of any of the provisions of this act, shall be paid into the state treasury and shall be known as the hay inspection fund, and paid out only on order of the commission and auditor's warrant. All interest received from deposits of said moneys shall be

credited on the first of each month to such fund and notice of the amount of such interest shall be sent to the chief inspector.

SEC. 16. Duty of Inspectors of Hay and Straw—Such inspectors shall inspect all hay and straw shipped to any such public hay tracks and give a certificate of the inspecting to the person entitled thereto. Their decisions shall be conclusive as to the grade of such hay or straw, and the certificate shall be evidence thereof, unless changed upon reinspecting or appeal, in which case the final certificate shall be conclusive.

Duty of
inspectors.

SEC. 17. Reinspecting and Appeal—In case any owner, consignee or shipper of hay and straw shall be aggrieved by the decision of such inspectors of hay and straw, said owner, consignee or shipper may ask for a reinspecting of said hay and straw from the chief inspector of grain or his chief deputies; *provided* that a final appeal from the decision of said chief inspector of grain or his chief deputies may be had to the board of final review provided for in section 6 of this act, and a decision by a majority of such final board of review shall be final, and the commission is hereby authorized to make all necessary rules governing such reinspecting or appeal, *provided* that the party asking for such reinspecting shall pay to the chief inspector of grain or his chief deputies a sum not to exceed five (\$5) dollars per case before such case be entertained, which sum shall be refunded in case such case is sustained.

Reinspection.

SEC. 18. Weighers to Keep Record—All weighers of hay and straw provided for by this act shall be required to make true weights under the penalties hereinbefore provided, and in addition thereto shall keep a correct record of all weighing done by them at the hay tracks where they are stationed, in which record shall be entered an accurate account of all hay, straw or other property weighed, or the weighing of which was supervised by them or their assistants, giving the amount of each weight, the number of the car or cars weighed, if any, the initial letter of said car or cars weighed, where weighed, date of weighing and contents of car.

Record.

SEC. 19. Weighers and Inspectors to Issue Certificates. Certificates to be Prima Facie Evidence—Said weighers and inspectors of hay and straw shall give upon request of any person interested certificates under their hand and seal showing the amount of each weight, or

Certificates.

if inspected, the grade, number of car or cars weighed or inspected, if any, the initial of said car or cars, hay yard where weighed or inspected, date of weighing or inspecting and contents of car, *provided* that such certificate of weights shall be admitted in all actions either at law or in equity as prima facie evidence of the facts therein contained, but the effect of such evidence may be rebutted by other competent testimony.

Grades.

SEC. 20. Commission to Annually Fix Hay and Straw Grades—The commission shall before the first day of July in each year establish a grade for all kinds of hay and straw bought, handled or delivered at any public hay yard at terminal points in this state, which grade so established shall be known as "Minnesota grades" of hay and straw, and the grades so established shall be published in some daily newspaper at each of said terminal points each day for the space of one week.

Supervision.

SEC. 21. Commission to Exercise Supervision Over Hay and Straw Interests of the State—It shall be the duty of the commission to assume and exercise a constant supervision over the hay and straw interests of this state; to supervise the handling, weighing, inspecting and storage of hay and straw; to establish all necessary rules and regulations for the weighing, grading, inspecting and re-inspecting of hay and straw, and for the management of all public hay tracks at terminal points in this state as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law in this state in regard to the same; to investigate all complaints of fraud or oppression in the hay and straw trade, and to correct the same as far as may be in their power.

Sold by sample.

SEC. 22. Hay and Straw May be Sold by Sample—Nothing in this act shall be so construed as to prevent any person from selling hay or straw by sample, regardless of grade.

SEC. 23. All acts or parts of acts, general or special, inconsistent with the provisions of this act are hereby repealed.

SEC. 24. This act shall take effect and be in force after the first day of July, 1905.

Approved April 15, 1905.