

tract of hire, express or implied, oral or written; but shall not include any official or any county, city, town, village or school district therein, who shall have been elected or appointed for a regular term of office, or to complete the unexpired portion of any regular term.

(2) Every person, not excluded by Section 8, in the service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of the state.

Sec. 18. This act shall take effect on and after the first day of July, A. D. 1915.

Approved April 21, 1915.

CHAPTER 210—S. F. No. 598.

An Act to provide for the regulation of warehousemen in cities of the first class other than grain and cold storage warehousemen.

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

Section 1. **Railroad and warehouse commission given general supervision.**—That the Railroad and Warehouse Commission shall have general supervision of all warehousemen doing business in cities of the first class in this state, as warehousemen are defined in this Act, and shall keep itself informed as to the manner and method in which their business is conducted. It shall examine such business and keep itself informed as to its general condition, capitalization, rates and other charges, its rules and regulations, and the manner in which the plants, equipments, and other property, owned, leased, controlled or operated, are constructed, managed, conducted and operated, not only with reference to the adequacy, security and accommodation afforded to the public by their service, but also in respect to the compliance with the provisions of this Act or with the orders of the commission.

Sec. 2. **Construction of various terms.**—(a) The word "Commission" when used in this act, shall mean the Minnesota State Railroad and Warehouse Commission.

(b) The term "Commissioner" when used in this Act, means one of the members of the commission.

(c) The term "Warehouseman" when used in this Act, means and includes every corporation, company, association, joint stock company or association, firm, partnership or individual, their trustees, assignees or receivers appointed by any court whatsoever, controlling, operating or managing in any city of the first class in this state, directly or indirectly, any building or structure or any part thereof, or any buildings or structures, or any other property whatsoever and using the

same for the storage or warehousing of goods, wares, or merchandise for hire, but shall not include persons, corporations or other parties operating grain or cold-storage warehouses.

(d) The term "Corporation" when used in this Act, includes any corporation, company, association, joint stock company or association.

(e) The term "Person" when used in this Act, includes any individual, firm or copartnership.

(f) The term "Service" when used in this Act, is used in its broadest sense and includes not only the use and occupancy of space for storage purposes, but also any labor expended and the use of any equipment, apparatus and appliances or of any drayage or other facilities, employed, furnished or used in connection with the storage of goods, wares and merchandise, subject to the provisions of this act.

(g) The term "Rate" when used in this Act, includes every individual or joint rate, charge or other compensation of any warehouseman, either for storage or for any other service furnished in connection therewith, or any two or more such individual or joint rates, charges, or other compensations of any warehouseman, or any schedule or tariff thereof, and any rule, regulation, charge, practice or contract relating thereto.

Sec. 3. What is required of warehousemen.—Every warehouseman shall furnish all information required by the commission to carry into effect the provisions of this act and make specific answers to all questions submitted by the commission, under oath; and if such warehouseman is a corporation then it shall answer under oath of one of its duly authorized officers.

Every warehouseman shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation, made or prescribed by the commission, in the matters specified in this act, and shall do everything necessary or proper to secure the compliance with and the observance of the same, by all its officers, agents and employees.

Nothing in this act shall be construed as limiting the rights of any warehouseman to lease or let for any storage purpose any floor of his building or any portion thereof, provided, however, that any warehouseman who so leases any portion or portions of his warehouse shall first file with the commission a schedule showing his rates for such spaces and the monthly rental per square foot or per cubic foot.

Sec. 4. Right to inspect books and property, and to examine agents of warehousemen.—The commission, each commissioner and each officer and person employed by the commission, has the right, at any and at all times, to inspect the papers, books, accounts and documents, plant, equipments or other property, of any warehouseman; and the commission, each commissioner

and any officer of the commission authorized to administer oath, shall have the power to examine under oath, any officer, agent or employee of such warehouseman, in relation to any matter within the jurisdiction of the commission, provided that any person other than a commissioner demanding such inspection shall produce, under the seal of the commission, his authority to make such inspection, and, provided further that a written record of the testimony or statement so given under oath, shall be made and filed with the commission. Information so obtained shall be not admitted in evidence or used in any proceedings except in proceedings provided for in this act.

Sec. 5. Duties of the commission.—It is hereby made a duty of the Railroad and Warehouse Commission, to see that the provisions of the constitution and the statutes of this state affecting warehousemen, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted, and penalties due the state therefor recovered and collected, and to this end it may sue in the name of the state.

Sec. 6. Accounts.—The commission shall have the power to compel every warehouseman to keep and maintain accurate, complete and comprehensive accounts, including records of service furnished and commissions paid, as well as accounts of earnings and expenses, and it may examine and audit such accounts from time to time. Such accounts shall provide for forms showing all sources of income, the amounts due and received from each source, and the amounts expended and for each purpose, distinguishing clearly all payments for operating expenses from those for new construction, extensions, additions, repairs or replacements, and for balance sheets showing assets and liabilities.

The commission may require every warehouseman engaged directly or indirectly, in any business other than the warehouse business, as defined by this law, to keep separately, in like manner and form, the accounts of all such other business, and the commission may provide for the examination and inspection of the books, accounts, papers and records of such other business, in so far as may be necessary to enforce any provisions of this act. The commission shall have the power to inquire as to, and prescribe the apportionment of capitalization, earnings, debts and expenses, fairly and justly to be awarded or borne by, the ownership, operation, management or control of such warehouse as distinguished from such other business.

Sec. 7. Appreciation and depreciation accounts.—The commission shall have the power, after a hearing, to require all warehousemen to keep such accounts as will adequately reflect appreciation, depreciation, or obsolescence. The commission may

from time to time ascertain and determine, and by order fix, the proper and adequate rate of appreciation or depreciation of the property of each warehouseman, and each warehouseman shall conform his appreciation and depreciation accounts to the rate so ascertained, determined and fixed.

Sec. 8. Accounts to be kept in state.—Each warehouseman shall have and maintain an office in the city in which it has its principal place of business, and shall keep in said office, all such books, accounts, papers, records and memoranda as shall be ordered by the commission to be kept within the state. The address of such office shall be filed with the commission. No books, accounts, papers, records or memoranda ordered to be kept within the state, shall be at any time removed from the state, except on such conditions as may be prescribed by the commission.

Sec. 9. Falsification or destruction of accounts.—Any person who shall willfully make any false entry in the account or in any record or memorandum kept by a warehouseman, or who shall willfully destroy, mutilate, alter or by any other means or device, falsify a record of any such account, record or memorandum, or who shall wilfully neglect or fail to make full, true and correct entries in such accounts, records or memoranda, of all facts and transactions appertaining to the business of the warehouseman, or shall keep any accounts or records with the intent to evade the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be subject to imprisonment not exceeding one year, or to a fine not exceeding \$1,000 or both.

Sec. 10. Penalty for divulgence of information. Any officer or employee of the commission, who divulges to any person other than a member of the commission, any fact or information coming to his knowledge during the course of an inspection, examination or investigation of any accounts, records, memoranda, books or papers of a warehouseman, except in so far as he may be authorized by the commission, or by a court of competent jurisdiction, or a judge thereof, shall be guilty of a misdemeanor, and upon conviction shall be subject to imprisonment not exceeding one year or to a fine not exceeding \$1,000 or to both.

Sec. 11. Obligation to issue uniform receipts.—Every warehouseman receiving goods in store shall issue for all such a receipt embodying the terms of such receipts as authorized by the Uniform Warehouse Receipts Act of the State of Minnesota.

Sec. 12. General duties of warehousemen.—All rates made, demanded or received by any warehouseman for any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable rate demanded or received for such service is hereby prohibited and declared unlawful.

Every warehouseman licensed under this act shall receive, store and forward all property offered for storage 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 he at the same place receives, stores and forwards in the ordinary course of business, property of like description and in similar quantities offered by any other person, persons or corporations.

Sec. 13. Filing schedule of rates.—Every warehouseman shall file with the commission and shall print and keep open for public inspection a schedule of rates. The commission may determine and prescribe the form in which the schedules required by this act to be filed with the commission and to be kept open for public inspection, shall be prepared and arranged, and may change the form from time to time if it shall be found expedient; and no warehouseman shall undertake to perform any service, or store any goods, wares or merchandise, unless or until such schedule of rates has been filed and published in accordance with the provisions of this act; provided that in case of emergency, a service or storage not specifically covered by the schedules filed, may be performed or furnished at a reasonable rate, which rate shall forthwith be filed and shall be subject to review in accordance with the provisions of this act.

Sec. 14. Change of rates.—Unless the commission otherwise orders, no change shall be made by any warehouseman, in any rate except after thirty days notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection, new schedules or supplements stating plainly the change or changes to be made in the schedule or schedules then in force and the time when the change or changes will go into effect. The commission for good cause shown, may, after hearing, allow changes without requiring the thirty days' notice herein provided for by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published.

Sec. 15. Charging more or less than the published rate.—Except as specified in Sections 13 and 14, no warehouseman shall have, demand, collect, or receive, a greater or less or different compensation for any service rendered or for storing any goods, or wares or merchandise, than the rate or rates applicable to such service or storage, as specified in the schedules on file and in effect at the time.

Provided, nevertheless, that when a warehouseman shall have had goods in store for such a period that the storage charges thereon accumulated are more than such goods would bring at a forced sale, the commission, upon written application and

proof thereof, may authorize such warehousemen to compromise such charges for a sum not less than the amount which such goods would bring at such forced sale.

Sec. 16. Discrimination in rates, etc.—Except as herein otherwise specified, no warehouseman, or any officer, agent or employe thereof, shall directly or indirectly by remittance, rebate, or any device, inducement or other means whatsoever, suffer or permit any corporation or person to obtain any service, or the storage of any goods, wares or merchandise, at less than the rate or rates then established and in force as shown by the schedule filed and in effect at the time. No person or corporation shall directly or indirectly by any device, inducement or means whatsoever, either with or without the consent or connivance of a warehouseman or any of the officers, agents or employes thereof, obtain or seek to obtain, any service, or the storage of any goods, wares or merchandise, at less than the rate or rates then established and in force therefor. Any warehouseman or the officers, agents or employes thereof, or any person acting for or employed by it, or transacting business with it, or any other person who shall violate any provision of this section, shall be guilty of a misdemeanor and upon conviction shall be subject to imprisonment not exceeding one year, or to a fine not exceeding \$1,000 or both.

Sec. 17. Commission to fix rates and regulations.—Whenever the commission, after a hearing upon its own motion, or upon complaint, shall find that the rate or rates demanded, observed, charged or collected by any warehouseman, for any service or storage of goods, wares, merchandise, or in connection with such service or storage, are unjust, unreasonable, discriminatory, preferential, or in any wise in violation of any provision of law, the commission shall determine the just and reasonable rate or rates to be thereafter effective and in force, in such warehouse, and shall fix the same by an order, which shall also determine when such rate or rates shall go into effect. Before making any order under the provisions of this section, the warehouseman shall have an opportunity to be heard upon reasonable notice to be determined by the commission.

Sec. 18. Obligation to obtain license.—Every warehouseman shall be licensed annually by and shall be under the supervision and subject to the inspection of the commission. Written application, under oath in such form as shall be prescribed by the commission, shall be made to the commission for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, character and equipment of the building or buildings or premises to be used by the said warehouseman, the kind of goods, wares and merchandise intended to be stored therein, the name of the person or corpora-

tion operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the commission that the property proposed to be used is suitable for warehouse purposes, and that the warehouseman making the application is qualified to carry on the business of warehousing. Should the commission decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose, and that the applicant or applicants are entitled to a license, notice of such decision shall be given the interested parties, and upon the applicant or applicants filing with the commission the necessary bond, as provided for in this act, the commission shall issue the license provided for, upon payment of the license fee, as in this section provided. A warehouseman to whom a license is issued shall pay for such license a fee of one hundred dollars (\$100.00). Such license may be renewed from year to year, but shall never be valid for a period of more than one year, and always upon payment of the full license fee, as provided for in this section for such renewal; provided that no license shall be issued for any portion of a year for less than the full amount of the license fee, as provided for in this section. Each license obtained under this act shall be publicly displayed in the main office of the place of business of the warehouseman to whom it is issued. Such license shall authorize the warehouseman to carry on the business of warehousing only in the one city named in said application, and in the buildings therein described. But the commission without requiring an additional bond and license, may issue permits from time to time to any warehouseman already duly licensed under the provisions of this act, to operate an additional warehouse or warehouses in the same city for which his original license was issued during the term thereof, upon his filing an application for such permit, and in such form as shall be prescribed by the commission.

Licenses and permits may be revoked by the commission for violation of law, or of any rule or regulation by it prescribed, upon notice and hearing. A license may be refused to any warehouseman whose license has been revoked during the preceding year.

Sec. 19. Bond to be filed.—Every warehouseman applying for and receiving a license from the commission as provided for in this act, shall file with the commission, and acceptable to the commission, a surety bond to the State of Minnesota. Such bonds shall be in the amount of \$50,000.00 and be conditioned for the faithful discharge of all duties as a warehouseman operating under this act, and full compliance with the laws of the state and rules, regulations and orders of the commission relative thereto.

Sec. 20. Penalty for transacting business without a license.—Any person or persons who shall transact the business of a

warehouseman as defined in this act, except for the purpose of winding up the same under the supervision of the commission, without first procuring a license and giving a bond as provided for in this act, and any licensed warehouseman who shall operate any warehouse without obtaining the permit herein provided for, or who shall continue to transact such business after such license has expired, or such bond may have become void or found insufficient security for the penal sum in which it is executed, by the commission approving the same, shall be guilty of a misdemeanor, and upon conviction be fined in a sum not less than \$100 nor more than \$500 for each and every day such business is carried on before said license or permit, as the case may be, is issued or after the expiration of such license or permit, or after receiving notice from the commission that such bond has become void or has been found insufficient security; and the operation of such warehouseman may be enjoined upon complaint of the commission before a court of competent jurisdiction.

Sec. 21. Proceedings before the commission—How commenced.—Proceedings before the commission against any warehouseman, shall be instituted by complaint, verified as pleadings in a civil action, stating in ordinary language the facts constituting the alleged omission or offenses. The parties to such proceedings shall be termed, respectively, "Complainant" and "Respondent."

Sec. 22. Notice to respondent.—Upon filing such complaint, if there appear reasonable grounds for investigating such matter, the commission shall issue an order, directed to such warehouseman, requiring him to grant the relief demanded, or show cause by answer within 20 days from the service of such notice, why such relief should not be granted. Such order, together with a copy of the complaint shall forthwith be served upon the respondent.

Sec. 23. Answer.—The respondent may file and serve by mail, upon the complainant within 20 days after the service of the order, an answer alleging that it has already granted the relief demanded, or setting up any matter of defense. If the answer alleges the granting of the relief, the complainant shall within 20 days reply, admitting or denying such allegation. If he fails to reply, or admits the allegation, the proceeding shall be dismissed.

Sec. 24. Hearing.—If the matter be not adjusted to the satisfaction of the commission, it shall set a time and place of hearing, and give at least ten days notice thereof to each party. The parties shall appear either in person or by attorney. The commission shall hear evidence and otherwise investigate the matter and shall make findings of fact upon all matters involved, and such order or recommendation in the premises as may be just. A copy

of such findings and order or recommendation, shall forthwith be served upon each party. No proceeding shall be dismissed on account of want of pecuniary interest in the complainant.

Sec. 25. Notice and orders—Service.—All notices and orders in proceedings before the commission shall be signed by the secretary. Service may be made of all notices, orders or other papers provided for in this act, by mail, upon any person or firm, or upon the president, general manager or other proper executive officer of any corporation interested. If any party has appeared by attorney such service shall be made upon such attorney.

Sec. 26. Witnesses.—The commission in any hearing or investigation, may require the attendance of any witnesses and the production of any books, papers or records. Witnesses shall receive the same fees and mileage as in civil actions. The disobedience of any subpoena in such proceedings, or contumacy of any witness, may upon application of the commission, be punished by any district court in the same manner as if the proceedings were pending in such court.

Sec. 27. Complaint that rate is unreasonable—Duty of commission.—Upon verified complaint of any person or of any corporation that any rates are unjust, unreasonable, discriminatory, preferential or in any way in violation of law, the commission shall proceed to investigate the matters alleged in such complaint, and for the purposes of such investigation they may require the attendance of witnesses and the production of books, papers and documents. If, upon the hearing, such rates are found to be unjust, unreasonable, discriminatory, preferential or in any way in violation of law the commissioner shall make an order, stating wherein the same are so unjust, unreasonable, discriminatory, preferential or in any way in violation of law, and shall make a rate or rates which shall be substituted for that or those so complained of. Rates so made by the commission shall be deemed prima facie reasonable in all courts, and shall be in full force during the pendency of any appeal or other proceedings to review the action of the commission in establishing the same.

Sec. 28. Investigation without complaint—Notice.—The commission shall also upon its own motion, investigate any matter relating to the management by any warehouseman of his business, or the reasonableness of all rates whenever in its judgment the public interest so requires. If any such rates are found unreasonable or discriminatory, the commission shall find what is reasonable under the circumstances, and may make new schedules of any or all rates under consideration in such investigation, and its own order shall fix the date when such rates shall go into effect. Before making any order under the provisions of this section, the warehouseman shall have an opportunity to be heard upon such notice as the commission shall deem reasonable.

The rates established under the proceedings instituted under this section, shall be in force during the pendency of any appeal or other proceedings to review the action of the commission.

Sec. 29. Appeals to the district court.—Any party to a proceeding before the commission, or any party affected by any order thereof, may appeal therefrom to the district court of the county in which the principal place of business of the respondent is located, or in case the order is made in a proceeding commenced by the commission on its own motion without complaint, to the district court of any county in which the warehouseman has his principal place of business, at any time within thirty days after service of a copy of such order on the parties of record, as in this act provided, by service of a written notice of appeal, on said commission, or on its secretary. Upon service of said notice of appeal, said commission, by its secretary, shall forthwith file with the clerk of said district court, to which said appeal is taken, a certified copy of the order appealed from, together with the findings of fact on which the same is based.

Sec. 30. Proceedings on appeal—Orders not appealed from.—The appellant serving such notice of appeal shall, within five days after service thereof, file the same with proof of service, with a clerk of the court to which said appeal is taken, and thereupon said district court shall have jurisdiction over said appeal, and the same shall be tried therein, according to the rules relating to a trial of civil actions, so far as the same are applicable. The complainant before the commission, if there is one (otherwise the State of Minnesota), shall be designated as the complainant in the district court, and the warehouseman as the defendant. No further pleadings than those filed before the commission shall be necessary. Such findings of fact shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. If said court shall determine that the order appealed from, is lawful and reasonable, it shall be affirmed, and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable, it shall be vacated and set aside. Such appeal shall not supersede the order appealed from, unless the court, upon an examination of said order and the return made on said appeal, and after giving the respondent notice and opportunity to be heard, shall so direct. If such appeal is not taken, such order shall be final, and it shall thereupon be the duty of the warehouseman affected, to adopt and publish the rates therein prescribed, and abide the order of the commission. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the right to have the merits of such controversy reviewed by a court, and

there shall be no trial of the merits or re-examination of the facts of any controversy in which said order was made, by any district court to which application may be made for the writ to enforce the same.

Sec. 31. Failure to obey order or law.—Whenever any warehouseman shall fail to obey any law of this state, or any order of the commission, the commission may, upon verified petition alleging such failure, apply to the district court of the county in which said warehouseman has his principal place of business, for the enforcement of such law, or order, or other appropriate relief. The court, upon such notice as it may direct, shall hear such matter as in case of an appeal from an order. On such hearing, the findings of fact upon which such order is based shall be prima facie evidence of the merits therein stated, and the court may grant any provisional or other relief, ordinary or extraordinary, legal and equitable, which the nature of the case may require, and may impose a fine of not more than \$50 for each day's failure to obey any writ, process or order of the court, in addition to all other penalties or forfeitures provided by law. A temporary mandatory or restraining order may be made in such proceedings, notwithstanding any undetermined issue of fact, upon such terms as to security as the court may direct.

Sec. 32. Trial.—The district court shall be deemed always open for all civil proceedings under this act, and any such proceedings may be brought to trial in any county in the judicial district where the same are pending, and shall take precedence over all other matters except criminal cases. Except when there is a constitutional right to a trial by jury, not expressly waived, all such proceedings shall be tried summarily by the court.

Sec. 33. Incriminating questions.—In any proceedings under this act or any law relating to warehousemen, the court, at its discretion, may require a witness to answer any question, although his answer may tend to convict him of a crime, but no person so compelled to answer shall thereafter be liable to any prosecution for such crime.

Costs and attorneys' fees.—In any proceedings in district court under the provisions of this act, or any law relating to warehousemen, either by appeal or otherwise, the court may order the payment by either party of such counsel fees and disbursements, as it deems just and reasonable.

Sec. 34. Proceedings in the name of the state.—All acts or proceedings instituted by the Railroad and Warehouse Commission under this act shall be brought in the name of the state, and shall be prosecuted by the attorney general.

Appeal to the supreme court.—Any party to an appeal or other proceeding in district court, under the provisions of this act, may appeal from the final judgment or from any final order

therein, in the same cases and manner as in civil actions. The appeal may be filed in the supreme court before or during any term thereof, and shall be immediately entered on the calendar and heard, upon such notice as the court may prescribe.

Sec. 35. Action on bond in the name of the state.—When any one licensed to do business as a public warehouseman fails to perform his duty, or violates any of the provisions of this act, any person, persons or corporations injured by such failure or violation may, with the consent of the commission, and 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 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. 36. Persons violating act or order—Penalty.—Any warehouseman and each person, who, either individually, or acting as an officer, agent or employe of a warehouseman, violates or fails to comply with any provisions of this act, or fails to observe, obey or comply with any order, decision, rule, regulation, direction or requirement, or any part or portion thereof of the commission, made or issued under authority of this act, or who procures, aids or abets any warehouseman in his violation of this act, or in his failure to observe, obey or comply with this act, or any such order, decision, rule, regulation, direction or requirement, or any part or portion thereof, in a case in which a penalty is not otherwise provided for in this act, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Each violation of the provisions of this act, or of any order, decision, rule, regulation, direction or requirement of the commission, or any part or portion thereof, by any warehouseman, is a separate and distinct offense.

In construing and enforcing the provisions of this act, relating to penalties, the act, omission or failure of any officer, agent or employe of any warehouseman, acting within the scope of his official duties or employment, shall in each case be and be deemed to be the act, omission or failure of such warehouseman.

Sec. 37. Saving clauses—Constitutionality.—If any section, subdivision, sentence or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

Sec. 38. Technical omissions not to invalidate acts of commission.—A substantial compliance with the requirements of this act shall be sufficient to give effect to all the acts, orders, decisions, rules and regulations of the commission, and they shall

not be declared inoperative, illegal or void, for any omission of a technical nature in respect thereto.

Sec. 39. **When act takes effect.**—This act shall take effect and be in force on and after the first day of October, 1915.

Approved April 21, 1915.

CHAPTER 211—S. F. No. 365.

An Act in reference to the use of materials produced in the State of Minnesota, in the erection of public buildings for the state or any buildings which are erected in part from state funds.

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

Section 1. **Material produced in state to be given preference in public buildings.**—That in any and all buildings hereafter erected by the State of Minnesota, or to the erection of which the State of Minnesota has granted aid, preference shall always be given in the erection thereof to materials produced or manufactured in the State of Minnesota by citizens or residents thereof wherever practicable; provided that in the building and erecting of foundations, steps, approaches, and the outer walls of any and all such buildings, materials produced and manufactured in the State of Minnesota by citizens and residents thereof only shall be used. Provided, that the provisions of this act shall not apply to metal lath or Portland cement necessarily used in any such foundations, steps, approaches or outer walls.

Sec. 2. **Not to affect buildings in process of construction.**—This act shall not affect buildings now in process of construction nor shall it affect buildings for which contracts for the construction thereof have been entered into prior to the passage of this act. Provided further that nothing in this act shall prevent the completion of buildings now partially erected with the same kind of materials which have heretofore been used. Provided further, that nothing in this act shall prevent an addition being made to any building now constructed out of the same material as the original building, nor the completion of any group of buildings out of the same material as was used in the construction of the buildings already completed.

Sec. 3. **Not to apply where it appears pool has been formed.**—The provisions of this act shall not apply in any case where, in the judgment of the different officers, boards, or other authority in this state, now or hereafter vested with the power of contracting for the buildings hereinbefore referred to, it appears that an attempt is being made by producers or manufacturers in this state to form a pool, trust or combination of any kind for the purpose of fixing or regulating the price of materials to be used in any such building or buildings.