

## CHAPTER 444—H. F. No. 803.

*An act establishing a department of agriculture providing for the appointment of a commissioner, and defining his powers and duties, defining penalties for the violation of law relative to food products and the punishment of such offenders.*

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

**Section 1. Department of agriculture.**—There is hereby created a department of agriculture for the state of Minnesota. Said department shall be in charge of a commissioner to be known as the "commissioner of agriculture," who shall be appointed by the governor for the term of four (4) years; shall receive a salary of forty-five hundred (\$4,500) dollars per annum, and before entering upon the duties of his office, shall take and subscribe the oath required of state officials and give his bond to the state of Minnesota, to be approved by and filed with the secretary of state for the sum of five thousand (\$5,000) dollars conditioned for the faithful performance of his duties. He shall be provided with a suitable office and equipment at the seat of government and shall have authority to appoint a deputy at a salary not to exceed three thousand (\$3,000) dollars per annum, and such other assistants, clerks and employes as occasion may require, and fix their compensation.

**Sec. 2. Powers and duties of commissioner.**—The commissioner of agriculture shall: (a) Encourage and promote the development of agricultural industries, investigate marketing conditions affecting the marketing of farm products, and assist farmers, producers and consumers in the organization and management of co-operative enterprises and the co-operative marketing of farm products, advise and assist in the location and establishment of local markets whenever the commissioner of agriculture determines that the public necessity or the welfare of the community requires such markets, provided he shall be satisfied that such markets will be successfully operated by a co-operative company or municipality; shall have the assistance of the various county agents throughout the state and they are hereby requested to supply such information and perform such duties as the commissioner of agriculture may require, not inconsistent with their duties under existing arrangements, and shall investigate, assist and supply all needed information with reference to the adaptability of grains, fruits and grasses and other agricultural products, to the soil and the climate, and supply all necessary information with reference to the treatment and handling of the various agricultural products, including the diseases thereof and the remedies therefor. (b) Collect, compile and supply statistics and information in regard to the agricultural products of the state and agricultural industries, and to attain this result he shall cause to be made a complete

farm census at least once in two years and may do so annually if deemed advisable, and is authorized to have made and supplied to the county auditors of the several counties, suitable blanks to be used by the assessor in each precinct upon which to make the returns required by the commissioner, and in cases where a county assessor is employed, said blanks may be supplied to such assessor and the said county and local assessors are hereby required as a part of their duties to fill out such blanks according to instructions and when returned to the county assessor or the county auditor shall be forwarded to the commissioner of agriculture to be used by him to compile for distribution in suitable form to persons engaged in agriculture.

(c) Co-operate with federal authorities and the government department of agriculture, with financial agencies created to assist in the development of agricultural resources of the state, and so far as practicable, may utilize the facilities provided by the existing state department and the various state and county organizations maintained by agriculturalists and horticulturalists.

(d) Provide for the inspection and grading for the purpose of sale when deemed necessary, of eggs, fruits, potatoes, vegetables and other farm products, except grain, hay, straw and livestock, at each of the terminal markets in this state and at such other marketing points within the state as the commissioner may determine, and provide for the issuing of certificates of inspection showing the grade, quality, and condition of such produce.

(e) Each year at the time the potato crop is harvested, establish grades of potatoes for that year if deemed advisable, after giving notice by publication of at least two weeks of the time and place of hearing therefor. Such hearings may be held in different parts of the state and such rules may be adopted and prescribed as may be necessary to classify and grade the different kinds of potatoes.

(f) At all times have access to all buildings, yards, warehouses, storage or transportation facilities in which any farm produce, grain or other product or stock is kept stored, handled or transported, and shall have the right to make all necessary investigations relative thereto, consistent with the purposes of this act.

(g) Whenever farm produce is consigned to or received by a broker or commission merchant for sale on commission at a terminal market in this state, and such broker or commission merchant finds the same to be in a spoiled, damaged or unmarketable condition, he shall, unless the owner of such produce shall waive inspection, before selling such produce, cause the same to be examined by an inspector designated by the com-

missioner for that purpose, and said inspector shall execute and deliver a certificate stating the day and time and place of inspection and the condition of such produce.

**Sec. 3. Certain powers transferred from railroad and warehouse commissioners.**—The powers and duties conferred upon the railroad and warehouse commission under the provisions of sections 4598, 4599, 4600, 4602, 4603 and 4604 of the General Statutes of 1913, are hereby transferred to and vested in the commissioner of agriculture, and he is hereby authorized to exercise all the powers and authorities therein granted to the railroad and warehouse commission, except such as relates to grain, hay and straw or to the milling or warehousing of grain, and in all cases where an inspection is provided for shall charge such fee as the commission shall specify.

**Sec. 4. Complaints to be received by commissioner.**—Said commissioner is also authorized to receive complaints against any parties dealing in, shipping or selling farm produce except grain, hay and straw, and livestock, and shall have full authority to make all necessary investigations relative to any transaction, especially in all complaints with reference to combinations in violation of the anti-trust laws, delays in furnishing cars, delays in transportation or improper freight charges and all matters relative to the purchase, handling, storage, shipment or sale of food or farm products except grain, hay, straw and livestock, and shall have and is hereby granted full authority to issue subpoenas, requiring the attendance of witnesses before him at a time and place specified, and to compel the delivery and production before him of books, papers and other documents, articles or instruments, and compel the disclosure by such witnesses of all facts known to them relative to such investigation, and shall have full authority to administer oaths, and take testimony; and all parties disobeying the orders or subpoenas of said commissioner, shall be guilty of contempt in the same manner as in proceedings in district courts of the state and may be punished in like manner. The commissioner of agriculture is authorized, if upon such investigation, he is satisfied that the laws of the state have been violated, to cause to be instituted in his own name as commissioner or in the name of the state, actions in the proper court, to secure the punishment of the guilty party; and if the party complained against is a corporation, to secure the cancellation of their authority and the annulment of their corporate existence, if a domestic corporation. The attorney general is hereby required to assign a deputy to act as advisor for the commissioner of agriculture, and to institute and maintain the actions herein provided for, when sufficient evidence is available to warrant the institution of such proceedings.

**Sec. 5. Samples of wheat, etc.**—It shall be the duty of the commissioner of agriculture each year thereafter at as early a date as practicable following the harvesting of the wheat crop, and from time to time thereafter as he may deem proper, to procure samples of wheat from various parts of the state of sufficient amount and variety to give a fair average of the grain of each locality and have a careful scientific test made thereof or of such portions as he deems essential to ascertain the amount of foreign matter of injurious elements or other defect therein that affects the value or use of said grain for flour without the removal of such foreign elements or defect and ascertain and determine the cost of such removal and the value of the material removed and cause scientific tests to be made and ascertain the number of pounds and grade of flour and feed that can be produced from the various kinds and grades of wheat and shall furnish for publication throughout the state all such information secured.

**Sec. 6. Bulletin to be published.**—The commissioner of agriculture is also authorized when deemed necessary or expedient to cause to be published a bulletin at such periods as he deems advisable, setting forth the quotations for which produce has been sold in the principal markets of the state, and give advice as to the available supply of the principal farm produce and as to the demand in the several markets for local as well as foreign produce, and shall supply to the various companies or associations throughout the state instructions as to the most efficient method of standardizing, packing and transportation of farm produce and all rules and regulations made by the department relative thereto.

**Sec. 7. Offenses.**—Any commission merchant or broker doing business under license issued by the commissioner of agriculture who shall:

(a) Impose false charges for handling or services in connection with farm produce; or

(b) Fails to account for such farm produce promptly and properly and to make settlements therefor, with intent to defraud; or

(c) Directly or indirectly purchases for his own account goods received by him upon consignment, except with the consent of the owner; or

(d) Makes false statements as to grade, condition, markings, quality or quantity of goods shipped or packed in any manner with intent to deceive; or

(e) Makes any charges for commissions, or otherwise, in excess of those authorized by the department of agriculture;

Is guilty of a misdemeanor, and the commissioner may forthwith revoke the license granted such merchant or broker

and direct his bond be forfeited and recover from such party or his bondsmen, all damages that may be sustained by any party injured by reason of the acts complained of.

**Sec. 8. Biennial report.**—The commissioner shall biennially, on or before the second Tuesday in December in each even numbered year, submit to the governor and the legislature a report of his department with such recommendations and suggestions as the interests of agriculture and foods and marketing conditions require.

**Sec. 9. Inconsistent acts repealed.**—All acts and parts of acts inconsistent with this act are hereby repealed.

**Sec. 10. Effective June 1, 1919.**—This act shall take effect and be in force from and after June 1st, 1919.

Approved April 25, 1919.

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#### CHAPTER 445—H. F. No. 939.

*An act to provide for the establishment and maintenance of county free libraries, and for contracts between boards of county commissioners and existing public libraries.*

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

**Section 1. Free county libraries.**—The board of county commissioners of any county in this state is hereby authorized to establish and maintain, at the county seat of any such county, or any other city to be determined by said board of county commissioners, a public library for the free use of all residents of the county, and may levy a tax not to exceed one mill on the dollar of all the taxable property outside of any city or village wherein a free public library is located, or which is already taxed for the support of any such library, the proceeds of which tax shall be known as the county library fund.

**Sec. 2. To be submitted to voters.**—If such county library be not otherwise established, the board of county commissioners, upon the petition of 100 freeholders of the county, shall submit the question of such establishment to the voters at the next county election. If a majority of the votes cast on such question be in the affirmative, the board of county commissioners shall establish the library, and levy a yearly tax for its support, within the limits fixed by section 1.

**Sec. 3. Contract to be entered into.**—If there is a free public library in the county, the board of county commissioners shall contract with the board of directors of such library, upon such terms and conditions as may be agreed upon between such boards, for the use of such library by all residents of the county, and may place under the supervision of the said library board the county library fund, hereinbefore provided for, to be spent by said board for the extension of the free use of said library