

This act shall take effect and be in force from and after its passage or approval.

Approved September 22, 1919.

CHAPTER 39—H. F. No. 53.

An act to provide for licensing by the railroad and warehouse commission of all commission merchants, brokers, factors or agents engaged in handling, buying, selling or soliciting consignments of live stock at any public stock yards, and to fix the commission that may be charged by them, providing rules and regulations and providing penalties.

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

Section 1. **Defined—License—Bond.**—All commission merchants, brokers, or agents, or any person whomsoever engaged in soliciting consignments of live stock to be handled for the account of the shipper handling, buying or selling any live stock at any public stock yards, shall be known as "Live Stock Commission Merchants," and as such shall be required to first procure a license from the railroad and warehouse commission, hereinafter designated as the commission, and furnish a bond to the state of Minnesota for not more than the sum of twenty thousand dollars (\$20,000.00), which bond shall be a continuous surety bond to be made in such form as the commission may prescribe. The railroad and warehouse commission may prescribe as bond for such an amount for dealers as will in its opinion be sufficient for the protection of persons doing business with any dealer taking into consideration the volume of business done by such dealer.

For the purpose of this subdivision the term "Live Stock" shall include cattle, sheep, hogs, horses and mules. Nothing in this act shall apply to any person, firm, copartnership, association or corporation, who shall sell their own consignment of live stock or to any person, firm, copartnership, association or corporation, who shall buy live stock for their own use or for the purpose of feeding.

Sec. 2. **Application for license—Revocation of license.**—On or before the first of December in each year the persons specified in section one (1) of this act shall make an application to the commission in writing for a license to conduct the business of a live stock commission merchant. This application shall set forth the name of the individual, firm or corporation and each member of the firm or officer of the corporation, the point or points at which the applicant intends to do business, postoffice address and the location of the general office of such applicant. A separate bond and license shall be required for each point at which such applicant intends to do business.

On or before the first of January each year the commission shall furnish such applicant with a license good for one year, such license to be posted in a conspicuous place in the office of the licensee. The fee for each license must accompany the application for license, and shall be twenty-five dollars (\$25.00). All moneys so collected shall be deposited in the state treasury and known as the "Live Stock Commission Fund," and paid out only on order of the commission and the auditor's warrant. The interest received from deposit 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 commission.

Such license may be revoked by the commission for cause upon notice and hearing.

Sec. 3. Schedule of charges.—The commission shall establish a schedule of reasonable charges, rules and regulations, that may be made by any licensed live stock commission merchant at any public stock yard for the buying or selling of any live stock, and may change said schedule whenever they deem it necessary. Any licensee charging any amount in excess of the fixed charge in said schedule may have his or their license revoked by the commission after a hearing, provided, however, that any interested person being aggrieved by the action of the commission may appeal to the district court of the county of his residence, or the county in which the transaction involved took place within thirty days from notice to him by said commission of their decision.

Said appeal may be perfected by notice thereof served on said commission or any member thereof, and the determination of said court when certified to said commission shall be carried out and performed by the commission.

Sec. 4. Statement to shipper.—Whenever a licensee sells any live stock he shall render a true statement in writing to the consignor within twenty-four (24) hours, of the number of animals sold, weight, price received, name and address of purchaser and the day of sale.

Sec. 5. Complaint may be filed.—Whenever a consignor of live stock, after demand therefor, shall have received no remittance or reports of its sale, or shall be dissatisfied with the remittance or report, he may file a complaint in writing, under oath, to the commission, who shall investigate the matter complained of. In making the investigation the commission may compel the licensee to produce all information, books, records and memoranda concerning the matter, and they shall give the complainant a written report of the investigation. This report shall be *prima facie* evidence of the matters therein contained.

Sec. 6. Statement filed.—It shall be the duty of every licensed commission merchant to make and file with the state super-

visor of stockyards on or before the tenth day of each month a statement showing the total amount of hay or other feed delivered by them to shippers and the amount charged for same during the preceding month. Such report shall be verified and in such form as the commission may prescribe.

Sec. 7. Failure to account.—If any licensee shall fail to account for any consignment of live stock, the consignor, or his agent may file with the commission an affidavit setting forth the matters complained of. Thereafter, such consignor may bring an action upon the bond of the licensee, and recover the amount due him on account of such consignment. If such licensee has become liable to more than one consignor, and the amount of his bond be insufficient to pay the entire liability, the consignors shall be compensated in proportion to their several claims.

Sec. 8. Penalty for failure to comply with the provisions of this act.—Any person, persons, firm or corporation engaged in selling any live stock as herein specified, who fails or neglects to comply with any of the provisions of this act, or any of the rules and regulations of the commission therein provided for, shall be guilty of a misdemeanor, and upon conviction thereof in any court having competent jurisdiction shall be punished by a fine or imprisonment. The railroad and warehouse commission is hereby authorized, either upon such conviction or upon its own findings after investigation, if the facts warrant it, to cancel the license of any person, persons, firms or corporation guilty of any violation of law, or conduct prejudicial to the interest of those making consignments for sale. Where a licensee has been cancelled and the order of the commission cancelling the same is sustained by the court in case of appeal, the railroad and warehouse commission may refuse to issue any license to such person, persons, firm or corporation for a term of one year.

Sec. 9. Investigation upon request—Penalty for failure to produce books, etc.—Whenever requested to do so by an interested shipper, the railroad and warehouse commission shall have power to investigate any sale or transaction carried on by any person, persons, firm or corporation licensed under this act, and for that purpose shall have the right to examine any and all books, records and accounts of any licensed commission merchant. Any licensed commission merchant or any agent in charge of such books, records or accounts who shall fail or refuse to submit such books, records or accounts for the examination of said railroad and warehouse commission shall be guilty of a misdemeanor.

Sec. 10. Unlawful representations.—It shall be unlawful to use the words "agent," "factor," "broker," "commission merchant," or "commission company" on any advertising matter, let-

ter or bill heads of any person not having a license from the commission. Any person, firm or corporation who shall hold themselves out or claim to be licensed and bonded commission merchants, either by written, printed or verbal representation, or by the use of any letter head, statement or advertisement, without having a license from the commission shall be guilty of a misdemeanor.

Sec. 11. This act shall take effect and be in force from and after the 1st day of January, 1920.

Approved September 22, 1919.

CHAPTER 40—H. F. No. 54.

An act to provide for the weighing of live stock at public stock yards under the jurisdiction of the railroad and warehouse commission.

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

Section 1. **Appointment of weighers—Bond.**—The railroad and warehouse commission shall appoint at public stock yards such weighers as may be necessary for the purpose of weighing live stock. Every such weigher shall give to the state a bond in the sum of five thousand dollars (\$5,000.00) conditioned for the faithful discharge of his duty.

Sec. 2. **Reports—Certificates.**—Such weighers shall report daily to the supervisor of stock yards all weights taken by them in such form as he may prescribe. The supervisor of stock yards shall furnish to interested parties a certificate setting forth the number of animals weighed, for whose account weighed, and the actual weight of such animal or animals. Such certificate shall be *prima facie* evidence of the facts therein certified.

Sec. 3. **Fees—Where deposited.**—The commission shall prescribe the fee necessary to cover the cost of such weighing to be assessed and collected in such a manner as the commission may prescribe. All moneys so collected shall be deposited in the state treasury and known as the "Live Stock Weighing Fund," and paid out only on order of the commission and the auditor's warrant. The interest received from such 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 commission.

Sec. 4. **Weighers' qualifications.**—No such weigher shall during his term of service be in any manner interested in the handling, shipping, purchasing or selling of live stock, nor in the employment of any person or corporation engaged therein, nor