

main on file in the clerk's office and shall not be opened except upon order of court in appropriate contest proceedings. Within five days after the filing of the returns in the office of the clerk the board of education shall meet and canvass the return and by resolution declare the result.

Sec. 2. Present statutes shall govern.—Except as herein provided such bond elections shall be held and conducted as provided by the general statutes relative to such elections.

Sec. 3. Board to fix compensation—How paid.—The board of education shall have authority to fix the compensation of judges and clerks acting as such at the aforesaid elections and the compensation so fixed shall be paid out of the moneys in the general fund of the district.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1921.

CHAPTER 78—H. F. No. 292.

An act to amend Chapter 444, Session Laws of 1919, entitled "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.—That Chapter 444 of the Session Laws of 1919 be and the same is hereby amended to read as follows:

Chapter 444. Section 1. 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 (\$4500) 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 four thousand (\$4,000) dollars per annum, and such other assistants, clerks and employes as occasion may require, and fix their compensation.

Sec. 2. Powers and duties.—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, *and it shall be the duty of the Minnesota State Department of Agriculture and the Minnesota University Department of Agriculture to co-operate in all ways that may be beneficial to the agricultural interests of the state. It is the intent of this act that police and organizational powers in reference to agriculture shall be exercised by the State Department of Agriculture and that the University Department of Agriculture shall retain its present powers and duties relating to obtaining and disseminating agricultural information and conducting agricultural research, and shall retain custody of scientific collections.*

(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 *the United States Department of Agriculture and with other federal authorities*, 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 departments and the various state and *local agricultural organizations*.

(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) 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.

(f) *Whenever farm produce is consigned to or received by a broker, commission merchant or dealer at wholesale or retail for sale on commission, or purchased by the receiver or dealer at wholesale or retail at a terminal market in this state in any city of the first class, and such broker, commission merchant or dealer at wholesale or retail finds the same to be in a spoiled, damaged, unmarketable or unsatisfactory condition, he shall, unless the owner of such produce shall waive inspection before selling or disposing of such produce, cause the same to be examined by an inspector assigned by the commissioner for that purpose, and said inspector shall execute and deliver a certificate to the consignee stating the day and time and place of such inspection and the condition of such produce, and mail or deliver a copy of such certificate to the consignor.*

Sec. 3. Subdivision 1. For the purposes of this section, the word "person" shall include "persons, firms and corporations."

Every person who shall do any of the things hereinafter specified shall be deemed to be "engaged in the business of a broker, commission merchant or dealer at wholesale, or retail," to-wit;

(a) *Be engaged in, or purport to be engaged in, the business of handling or dealing in farm products, other than grain, hay, straw and livestock, as a broker, commission merchant or dealer at wholesale or retail.*

(b) *Receive, or purport to be engaged in the business of receiving, farm products other than grain, hay, straw and livestock, on purchase or for sale for the account of another.*

(c) *Receive or solicit the consignment to him, of farm products other than grain, hay, straw or livestock, upon any agreement or understanding, express or implied, that the person so receiving or soliciting such consignment will pay the consignor for such products at a time subsequent to the time the same shall come into the possession of the consignee; provided, however, that the receiving or soliciting of such consignments by one who intends to use such farm products for consumption by himself and family shall not be deemed engaging in the business of a broker, commission merchant or dealer at wholesale or retail.*

Every person engaged in the business of a broker, commission merchant or dealer at wholesale or retail, within the provisions of this Act, shall be deemed to be and is herein referred to as being a "commission merchant."

Subdivision 2. No person shall engage in, or purport to be engaged in, or hold himself out as being engaged in the business of a commission merchant, or as being a commission merchant, unless he shall be licensed to carry on such business by the commissioner of agriculture.

Subdivision 3. Licenses to engage in the business of a commission merchant shall be issued by the commissioner of agriculture to such reputable persons as shall apply therefor, pay the fee and comply with the conditions herein specified, to-wit;

(a) The application shall be in writing and under oath and set forth the place where the applicant intends to carry on the business for which the license is desired; the estimated amount of business to be done monthly; the amount of business done during the preceding year, if any; the full names of the persons constituting the firm, in case the applicant is a copartnership; the names of the officers of the corporation and where incorporated, if a corporation; and a financial statement showing the value and character in a general way of the assets and the amount of liabilities of the applicant.

(b) Execute and file with the commissioner of agriculture a bond to the state of Minnesota, with sureties to be approved by the commissioner, in such reasonable amount as shall be fixed by the commissioner and not exceeding approximately the amount of the estimated monthly business to be transacted by the applicant, but in no event for less than two thousand dollars; such bond to be conditioned for the faithful performance of his duties as a commission merchant and the observance of all laws relating to the carrying on of the business of a commission merchant, for the payment when due of the purchase price of farm products purchased by him and for the prompt reporting of sales, as required by law, to all persons consigning farm products to the licensee for sale on commission and the prompt payment to the persons entitled thereto of the proceeds of such sales, less lawful charges, disbursements and commissions.

Separate licenses and bonds shall be required for each city or location at which consignments are received and disposed of by such commission merchant, and the license shall be kept and posted in the office of the licensee. All licenses shall expire May 31 of each year. The fee for each license shall be two dollars. All licenses heretofore issued by the commissioner of agriculture shall continue in full force and effect until the 31st day of May, 1921..

Subdivision 4. The commissioner, whenever he is of the opinion that any bond theretofore given by any licensee is inadequate for the proper protection of the public, may require the licensee to give a new bond with sureties to be approved by the commissioner and conditioned as hereinbefore set forth, for a larger amount than that specified in any previously given bond, and upon the giving of such new bond the sureties on any prior bond or bonds shall be discharged of all liability as to consignments made to the licensee subsequent to the date of the approval of the new bond by the commissioner, and thereafter the sureties on the new bond shall be liable only for consignments made to the licensee subsequent to the approval of the new bond and other transactions occurring subsequent to such approval. For the purpose of fixing or changing the amount

of a bond the commissioner may require statements of his business from a licensee, and if the licensee fails to furnish such information or to furnish a new bond when directed by the commissioner to do so, the commissioner may revoke his license, after ten days' notice.

Subdivision 5. Whenever any commission merchant to whom farm products, other than grain, hay, straw, or livestock, has been shipped and received by him, he shall within a reasonable time notify the consignor of the receipt of such consignment and after such consignment has been sold by him the commission merchant shall make a written report of such sale to the consignor within two days from the date of such sale, which report shall show the date of the sale, the name and address of the purchaser and the price received; and at the same time shall pay to the consignor the net proceeds of such sale.

Subdivision 6. Whenever a consignor after demand therefor, shall have received no remittance or report of sale, or shall be dissatisfied with the remittance, sale or report, he may complain in writing to the commissioner, who shall investigate the matter complained of. In making the investigation the commissioner may compel the licensee to produce all information, books, records and memoranda concerning the matter, and the commissioner shall thereafter give the complainant a written report of the investigation. Such report shall be prima facie evidence of the matters therein contained.

Subdivision 7. Any person damaged by any breach of the conditions of a bond given by a licensee as hereinbefore provided may maintain an action thereon in his own name against both principal and surety; he may at the time of commencement of such action file a copy of the complaint therein with the commissioner of agriculture. If such licensee has become liable to more than one person by reason of the breach of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all persons entitled to the protection of the bond, the penalty of the bond as against the sureties shall be apportioned among the several claimants.

Subdivision 8. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. The Commissioner, upon proof of the conviction of any licensee of a violation of any of the provisions of this act shall revoke his license. The commissioner may, after ten days' notice and an opportunity to be heard, revoke the license of any person whom he shall, upon such hearing, find has violated any provision of this act or who has been guilty of fraudulent or dishonest practice in connection with the carrying on of the business licensed. When a license has been cancelled by the commissioner he shall refuse to issue a new license to such person within a period of one year after such revocation.

SUB-DIVISION 9. All license fees, together with fees collected on account of inspection provided for under this act, or other

moneys collected thereunder, shall be paid into the state treasury and credited to the State Revenue Fund.

Sec. 4. Commissioner to receive complaints and make investigations.—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; or, if a foreign corporation, the forfeiture of their license to do business in this state. 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. May publish bulletin.—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 *dealing in farm products* 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. 6. Offenses and penalties.—Any *broker, commission*

merchant or dealer at wholesale or retail 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 or reports as to grade, condition, markings, quality or quantity of goods received, 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 *broker, commission merchant or dealer at wholesale or retail*.

Sec. 7. **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. 8. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 14, 1921.

CHAPTER 79—H. F. No. 208.

An act entitled "An act fixing the salary of county attorneys and providing for the employment of stenographic help by such county attorneys and for the compensation thereof, in counties having an area of more than 2500 square miles and a population of more than 23,000 inhabitants according to the last preceding state or federal census and containing no city or village having a population of more than 3000 inhabitants according to such census."

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

Section 1. **Salary of County Attorneys in Particular Counties.**—In each county of this state now or hereafter having an area of more than twenty-five hundred (2500) square miles and a population of more than twenty-three thousand, (23,000) inhabitants, according to the last preceding state or federal census, and containing no city or village having a population of more than three thousand (3000) inhabitants, according to such