

extent of the interest described in and conveyed by such instrument.

Sec. 2. Not to affect pending actions.—Nothing herein contained shall affect any action now pending to determine the validity of any instrument validated hereby.

✓ Approved April 18, 1935.

CHAPTER 216—H. F. No. 264

An act to provide for the weighing of livestock at packing plants, slaughtering houses, concentration points and public stockyards, for the supervision and regulation of the weighing, fill, dockage, grading and inspection of livestock at such places; authorizing the railroad and warehouse commission to inspect the books and records, and prescribe the manner and form of the same, of owners and operators of such packing plants, slaughtering houses, concentration points and public stockyards; and for the licensing of buyers of slaughter livestock and regulating the conduct of such buyers and providing penalties for violation thereof.

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

Section 1. Definitions.—(a) As used herein, the terms “packing plants” and “slaughtering houses” shall mean plants, houses and places of business where livestock purchased or acquired at places within the state of Minnesota are slaughtered.

(b) The term “concentration point” shall mean any stockyards at which livestock is assembled by rail, or by rail and/or other means of transportation, and at which livestock is bought and sold or is assembled for shipment or reshipment to a packing plant or a public stockyards, or graded or weighed for the purpose of establishing a basis for sale or reshipment. A concentration point shall not be considered to be a railroad stockyards owned and operated by a railroad company and used as a railroad shipping facility and which is used by the public only for loading and unloading of livestock shipped by rail. A concentration point shall not be considered to be a stockyard or place where only feeder pigs weighing 50 pounds or less are sold.

(c) The term “buyer” shall mean any person, firm, corporation, or his or its employees, agents and representatives, engaged in buying slaughter livestock direct from producers,

their agents or representatives, except persons engaged exclusively in the sale of meats at retail.

(d) The term "packers" shall mean any person engaged in the business of buying livestock for purposes of slaughter or of manufacturing or preparing meats or meat products for sale or shipment within the state of Minnesota. "Packers" shall not include persons engaged exclusively in the sale of meats at retail.

(e) The term livestock commission merchant shall mean any person or firm engaged in selling or buying livestock at a public terminal livestock market.

Sec. 2. Railroad and Warehouse Commission to appoint weighers.—The railroad and warehouse commission shall appoint at packing plants, slaughtering houses and concentration points where the average daily number of livestock slaughtered or handled is 250 head or more, such weighers as may be necessary for weighing livestock, provided that no weighers shall be appointed at packing plants or slaughtering houses at which the only livestock slaughtered or handled is purchased or acquired at a public stockyards as defined by Laws 1919, Chapter 461. The commission shall prescribe and follow such reasonable regulations as it deems necessary for determining such daily average. Such weighers shall weigh all livestock coming to said places for sale or slaughter, unless the same has been previously weighed by state weighers, and shall keep a record thereof. Upon request the weighers shall furnish the interested parties a certificate setting forth the number of animals weighed and the actual weight of such animal or animals. Such certificate shall be prima facie evidence of the facts therein certified. The scales at all such places on which livestock is weighed shall be constructed and maintained in accordance with requirements of the state department of weights and measures, and shall be tested up to the maximum draft that may be weighed thereon by the state department of weights and measures at least once every 30 days.

Sec. 3. Commission to fix fees.—The commission shall prescribe the fee necessary to cover the cost of such weighing, to be assessed and collected from the seller in such manner as the commission may prescribe, providing that the fee assessed be the same, and the manner of collection thereof be uniform at all markets, including the public terminal livestock market, in the state of Minnesota at which the average daily number of head of livestock bought and sold is 250 or more. All

monies so collected shall be deposited in the state treasury and known as the livestock weighing fund, and shall be paid out only on the order of the commission and the auditor's warrant.

Sec. 4. Qualifications of weighers.—No weigher shall during his term of service be in any manner interested in the handling, shipping, purchase or sale of livestock, nor in the employment of any person or corporation engaged therein.

Sec. 5. Bonds.—Every such weigher shall give to the state a bond in the sum of \$2,000.00, conditioned for the faithful discharge of his duties.

Sec. 6. Certain acts deemed gross misdemeanor.—Any weigher who shall knowingly or carelessly weigh any livestock improperly, or give any false certificate of weight, or accept money or other consideration directly or indirectly for any neglect or improper performance of duty, or who shall be guilty of any neglect of duty, and any person who shall, improperly, influence or attempt to influence any such weigher in the performance of his duty by preventing his proper access to the scales used in the weighing of livestock or otherwise, shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00, or by imprisonment in the county jail for not less than 30 days, nor more than one year, or by both such fine and imprisonment.

Sec. 7. Commission to prescribe rules and regulations.—
(a) The railroad and warehouse commission shall prescribe rules and regulations relating to the weighing, fill, dockage, grades and inspection of livestock, and it shall be the duty of every owner or operator of any packing plant, slaughtering house and concentration point to comply with such rules and regulations, and the commission shall employ not more than nine inspectors at a salary not to exceed \$3,000.00 each per annum to supervise and inspect the weighing, grading, fill and dockage of livestock at packing plants, slaughtering houses, concentration points and public stockyards, and to insure compliance with such rules and regulations and with the provisions of this act; provided, however, that nothing herein contained shall authorize or empower the commission to employ or designate any person or persons to fill, dock or grade livestock.

(b) Every owner or proprietor of a packing plant, slaughtering house or concentration point and every livestock commission merchant shall keep within the state of Minne-

sota such accounts, records and memoranda as to fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stock holder or otherwise. The commission is authorized to require annual or more frequent reports from every owner or proprietor of any packing plant, slaughtering house, concentration point or public stockyards subject to the provisions of this act, in such form or forms and relating to such matters and things connected with such business as the commission may prescribe. The commission shall at all times have access to all accounts, records and memoranda, including all documents, papers and correspondence on the date that this act becomes a law or thereafter existing and kept or required to be kept by owners or operators of packing houses, slaughtering houses, concentration points and public stockyards subject to this act. The commission may prescribe the manner and form in which such accounts, records and memoranda shall be kept and the matters and things connected with the business of such person or persons which such accounts, records and memoranda shall disclose. Thereafter any person who fails to keep accounts, records and memoranda in the manner and form prescribed or approved by the commission shall upon conviction be fined not more than \$10,000.00, or imprisoned not more than one year, or both.

(c) Any employee or agent of the commission duly authorized in writing by the commission shall at all reasonable times, for the purpose of examination, have access to and the right to copy any book, account, record, paper or correspondence relating to the business of any owner or operator of a packing plant, slaughtering house, concentration point or public stockyards, or to which the commission is authorized to have access under the provisions hereof. Any person who upon demand refuses any duly authorized employee or agent of the commission such right of access or copying, or hinders, obstructs or resists him in the exercise of such right, shall upon conviction thereof be liable to a penalty of \$500.00 for each such offense. Each day during any part of which such offense continues shall constitute a separate offense. Said penalty shall be recoverable in a civil suit brought in the name of the state of Minnesota and shall be paid into the treasury of the state as miscellaneous receipts.

(d) Upon the application of the attorney general of the state of Minnesota at the request of the commission, the district courts of the state of Minnesota shall have jurisdiction to issue writs of mandamus commanding the owner or operator of any packing plant, slaughtering house or concentra-

tion point to comply with the provisions of this section of this act, or any order of the commission made in pursuance thereof.

Sec. 8. Buyers must be licensed after June 30, 1935.—On and after June 30, 1935, all buyers of livestock as herein defined shall be duly licensed as hereinafter provided. No agent shall act for any such buyer unless the buyer is duly licensed and has designated such agent to act in his behalf and notified the railroad and warehouse commission in his application for license or in writing of such appointment, and requested the commission to issue to such agent an agent's license. The buyer shall be accountable and responsible for the acts of his or its agents.

Each livestock commission merchant, person, firm, corporation, or his or its employees, agents and representatives, before engaging in the business of buying livestock, shall annually on or before June 30th of each year file an application with the railroad and warehouse commission on a form prescribed by it for a license to transact such business. The application shall state the nature of the business as hereinabove set forth, the name or names of the person or persons applying for the license, and if the applicant be a firm, association, partnership or corporation, the full name of each member of such firm, association or partnership, or the names of the officers of the corporation, and the name of the agent or agents of such person, firm, association, partnership or corporation, the postoffice address of the principal place of business of the applicant and such other facts as the commission shall prescribe.

Each applicant shall file with his application a surety bond issued by a responsible surety company in the sum of \$2,000.00, in which the commission shall be the obligee but which shall be for the purpose of protecting any person dealing with such applicant, or his or their agent or agents, from loss by reason of acts of fraud, dishonesty, forgery and theft on the part of the principal and/or his or their agents and representatives. The commission shall thereupon issue to such applicant on payment of the sum of five dollars a license entitling the applicant to conduct the business of buying livestock at the place or places named in the application until the 31st day of March next following. A similar license shall be issued to each agent upon the payment of five dollars, and no agent shall engage in the buying of livestock without first securing a license.

The commission may decline to grant or may revoke a license when it is satisfied that (a) the applicant or licensee has violated the laws of this state governing the shipment or transportation of livestock (b) that the applicant or licensee has been guilty of fraudulent practices in the purchase of livestock or in dealing in livestock; or (c) that the applicant or licensee has violated or failed to comply with the provisions of this act. Before any license shall be revoked the licensee shall be furnished with a copy of the complaint made against him and a hearing shall be had before the commission upon at least ten days notice to the licensee to determine whether such license shall be revoked or declined, which notice may be served either by registered mail addressed to the address of the licensee as shown in his application or in the manner provided by law for the service of a summons. At the time and place fixed for hearing the commission or any official, employee or agent of the commission authorized by the commission shall receive evidence, administer oaths, examine witnesses and hear the testimony, and shall thereafter file an order either dismissing the proceedings or revoking the license.

Sec. 9. Buyers must keep records.—Each buyer shall keep a record in form satisfactory to the railroad and warehouse commission showing the grading of animals purchased, the number and weight of animals of each grade included in the purchase, the price per hundred pounds paid for the animals of each grade, the number of animals docked, the number of animals in each grade docked, and the amount of dockage of each grade and such other accounts, records and memoranda concerning his buying transactions as may from time to time be required by the commission, and the commission shall at all times have access to such accounts, records and memoranda and may at any time examine livestock purchased by buyer and may take such action as it deems necessary to prevent or discover violations of this act.

Sec. 10. Scales must be tested regularly.—The buyers of slaughter livestock operating at concentration points shall have the scales upon which the animals are weighed, inspected and tested by a scale inspector of the state department of weights and measures at least once every thirty days at their own expense. All such scales shall be tested up to the maximum draft that may be weighed on the scales.

Sec. 11. Livestock must be fed before weighing.—The seller may require the buyer of his livestock to give the livestock such feed as it will consume during a two-hour period

prior to weighing, the feed to be furnished by the buyer at the expense of the seller, and after such feeding the animals shall be given by the buyer free access to water until their thirst is fully quenched. If, however, feeding is omitted, the actual scale weight shall apply as the sole basis for settlement with the shipper.

Sec. 12. Bonds to be filed with secretary of state.—All bonds required by this act shall be filed with the secretary of state. Suit may be brought thereon by any person injured by the misconduct of the principal.

Sec. 13. Violations to be gross misdemeanor.—Any person who shall violate any of the provisions of this act, and for which violation no penalty is hereinbefore specified, shall be guilty of a gross misdemeanor and shall be punished for each such offense by a fine of not less than \$100.00 nor more than \$1,000.00, or by imprisonment in the county jail for not less than 30 days nor more than one year, or by both such fine and imprisonment.

Sec. 14. Acts severable.—If any part or provision of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate any other part or provision in the remainder of the Act; and if any part or provision of this act shall for any reason be adjudged by any such court constitutionally inapplicable to any case within the terms of such part or provision, such judgment shall not impair or invalidate such part or provision as applied to any other type of case within their terms.

Approved April 20, 1935.

CHAPTER 217—H. F. No. 435

An act to amend Mason's Minnesota Statutes of 1927, Section 3813, relating to license to sell milk or cream.

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

Section 1. Licenses to sell milk and cream.—Mason's Minnesota Statutes of 1927, Section 3183, is hereby amended so as to read as follows:

"3813. No person shall sell milk or cream without being licensed by the dairy and food commissioner, and the fee for such license shall be \$1.00 for each place or vehicle from