

District of such County for a determination of the residence of such persons. Such judge shall, at the time fixed, hear the evidence adduced by the parties to such proceeding and shall forthwith make and file an order determining the place of residence of such person.

Sec. 2. Counties to be charged with care.—The county in which such person shall by such order be found to be a resident, shall be charged with the entire cost of his care and treatment.

Approved March 25, 1935.

CHAPTER 65—S. F. No. 943

An act to provide for the storage of grain upon farms, and regulating such storage for the purpose of procuring loans upon such grain and making provision for the issuance of negotiable warehouse certificates upon such grain; and to aid in the orderly marketing of said grain; and authorizing the Railroad and Warehouse Commission to make rules and regulations deemed necessary to carry out the provisions of this Act which is hereby made the duty of such commission, and prescribing penalties for the violation of this Act.

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

Section 1. Purpose of Act.—The purpose of this act shall be to provide the owner of grain in this State with means of warehousing same on the farm under proper restrictions and safeguards, as a basis for credit and to aid in the orderly marketing thereof.

Sec. 2. Construction of terms.—As used in this act, unless the context clearly evidences a contrary intention, the following terms shall be construed respectively:

a. The railroad and warehouse commission of the state of Minnesota.

b. Any local supervisory board of individual producers appointed by the commission under the provisions of this act.

c. Any person whose duty it shall be under the provisions of this act to inspect, measure and seal any granary, crib, bin or other receptacle for the storage of grain.

d. Any certificate or receipts evidencing the storage of grain under the provisions of this act and any rules or regu-

lations promulgated thereunder shall be considered to be used herein in the same connection as the word "receipt" is used in the Uniform Warehouse Receipts Act.

e. Any person or persons (whether individuals, corporations, partners or co-partners) who shall have title to and possession of any grain stored under the provisions of this act, and shall be construed to have been used herein in the same connection as the word "warehouseman" is used in the Uniform Warehouse Receipts Act.

Sec. 3. Duties of commission.—The commission is hereby authorized and it is hereby declared to be its duty to carry out the provisions of this act, and to this end it is hereby authorized to:

a. Make and promulgate such rules and regulations not inconsistent herewith as shall be necessary or desirable effectually to carry out the provisions hereof.

b. Make such reasonable regulations with respect to the construction and maintenance of granaries, cribs, bins or other receptacles as may be necessary to protect the grain stored therein under the provisions of this Act.

c. Prepare and have printed under the same conditions as other state printing the necessary blanks, forms and other printed matter and make such charges to persons desiring such printed matter as shall meet the cost of production thereof.

Sec. 4. May appoint supervisory boards.—The commission is authorized to appoint such local supervisory boards for any county or counties which it may deem necessary for the purpose of supervising generally and under the direction of the commission, grain in storage, the issuance of certificates against such grain and carrying out of the purposes and enforcing the provisions of this act.

Such boards shall consist of not less than three nor more than seven members, each of whom shall be a producer of grain in the state of Minnesota and a resident thereof. Each member, upon appointment, shall qualify by taking oath similar to that required of public officials and shall continue in office until his successor is appointed by the Commission, which shall also have authority to fill any vacancies arising by reason of the resignation, death or removal by it of any such member or members.

Each such board shall select such officers, keep such records and perform such duties as the commission may prescribe.

Sec. 5. Privileges open to all.—The privileges of this act shall be open to all owners upon the same conditions. Any owner desiring to place grain in storage and have certificate or certificates issued against such grain under the provisions of this act shall make application therefor to the commission in the manner and upon the forms provided by it for that purpose.

Sec. 6. May appoint local sealer.—The commission, may, upon the recommendation of any board appointed by it hereunder, or upon the request in writing of ten or more producers of grain appoint a local sealer or sealers for any county or counties or part thereof, and every such sealer so appointed shall have the same authority with respect to the provisions of this act and the rules and regulations promulgated thereunder and the enforcement thereof as any officer of the peace.

Sec. 7. Bond of sealer.—Each sealer shall furnish bond for the faithful performance of his duties in such amount as shall be determined by the commission, but in no event shall such bond be in an amount less than \$1,000.00. The bonds and sureties thereon shall, in every case, be subject to approval of the commission and be deposited with it, and in case it is not a personal bond the premium thereon shall be paid by the commission out of the funds collected under this act. He shall also qualify by taking oath similar to that required of public officials.

Sec. 8. Duties of sealer.—It shall be the duty of the sealer under the direction of the Commission, to:

- a. Supervise the storage of grain;
- b. Ascertain the amount stored by each owner who shall desire to avail himself of the privileges of this act;
- c. Determine so far as possible upon the basis prescribed in the rules and regulations issued hereunder the exact grade and quantity thereof.
- d. Ascertain, prior to the issuance of any certificate, that the bin, crib, granary or other receptacle in which the grain is stored is satisfactory for the storage of such grain and that such receptacle conforms to the regulations applicable thereto promulgated by the commission.

He shall before delivering certificate to the owner ascertain that there are no other certificates outstanding upon the grain and shall seal the granary, crib, bin or other receptacle in which the grain is stored in the manner hereinafter provided, and thereafter to make periodic inspections of the granaries, cribs, bins or other receptacles so sealed at such times and in such manner as the commission may determine but in no event less frequently than 90-day intervals, rendering to the commission with reference to each such subsequent inspection, and to the owner when requested, report or affidavit in such form as may be required in regard to the amount and condition of the grain under seal and the condition of the structure within which it is stored.

Sec. 9. Sealer may inspect grain.—The sealer shall have authority at all times to enter upon any premises for the purpose of inspecting grain in storage or in the granary, crib, bin or other receptacle in which it shall have been stored and the acceptance of a certificate by any owner shall be deemed consent thereafter for the sealer or any person duly authorized thereunto by the commission to enter and inspect the sealed grain and the receptacle wherein stored.

Sec. 10. Seals.—Seals employed hereunder shall be furnished by the commission and shall contain the following language:

“Sealed by authority
State of Minnesota
Railroad and Warehouse Commission

Any person tampering with this seal or removing any grain herein shall be subject to a fine and imprisonment as provided by law

Consecutive no.”

Sec. 11. Certificates.—Certificates shall be upon forms to be prepared and furnished by the commission and every certificate must embody within its written or printed terms:

- a. The date and consecutive number thereof;
- b. A particular description of the granary, crib, bin or other receptacle in which the grain is stored and of the premises on which it is located;
- c. Description of the grain as may be required by the regulations issued hereunder;

d. Name of the owner or owners, whether ownership is sole, joint, or in trust, and in case of tenants, the date of the expiration of the lease;

e. Statement that no other certificates are outstanding on the grain represented thereby;

f. Statement whether grain will be delivered to bearer, to a specified person or to a specified person or his order, and at what place it will be delivered.

g. Facsimile signature of each of the members of the commission and counter signature of the sealer.

h. Statement of any loans or other indebtedness which in any manner constitutes a lien, whether statutory or contractual, including both mortgage and landlord's lien upon the grain.

i. Form of waivers of liens.

Sec. 12. Owner to exercise reasonable care.—No term or condition shall be inserted in any certificate, whether negotiable or otherwise which shall in any manner purport to relieve the owner from exercising that degree of care in the safe keeping of the grain in storage which a reasonably prudent man would exercise with regard to similar property of his own.

Sec. 13. May issue more than one certificate.—The sealer may issue to the owner one or more certificates as herein provided, but each such certificate shall cover a separate granary, crib or bin.

Sec. 14. Certificates to be in quadruplicate.—All certificates issued hereunder shall be issued in quadruplicate, three copies marked "Duplicate—No Value", the original and one duplicate copy shall be delivered to the owner and the other duplicate copies shall be filed with the Commission, or the local supervisory warehouse board for the county in which the grain is stored if any such board has been established hereunder.

Sec. 15. Owner to deliver duplicate.—When the owner negotiates the original certificate, he shall at the same time deliver to the assignee the duplicate or the receipt of the register of deeds for the same. Such assignee may file the duplicate in the office of the register of deeds of the county in which the grain is located which duplicate shall remain in the custody of the register of deeds, except as hereinafter provided.

Sec. 16. Duplicates may be filed with the Register of Deeds.—When a duplicate is filed in the office of the register of deeds, he shall index the same in the chattel mortgage index or other suitable index book showing date of the certificate, the number thereof, to whom issued, kind, quantity, and location of the grain. He shall collect 35 cents for each certificate indexed. The filing and indexing of such certificate shall impart the same notice as the filing and indexing of a chattel mortgage.

Sec. 17. Assignments may be filed.—When the owner or holder of a certificate makes written assignment thereof the register of deeds shall on request of the assignee enter a copy of such assignment upon the duplicate in his office and enter upon the index book the date of the assignment, the names of the assignor and the assignee. He shall collect 25 cents for each assignment entered.

Sec. 18. Cancellation of certificates.—The owner may secure the cancellation of a certificate by delivering the original to the commission or the board by which it was issued with the request that it be cancelled. The commission or board shall stamp the original "cancelled" with the date of such cancellation and retain same. Upon notice in writing from the commission or board issuing the certificate that it has been cancelled, the register of deeds shall release the duplicate filed of record without charge.

Sec. 19. Owner to deliver grain.—The owner shall, in the absence of some lawful excuse provided by the act, deliver the grain stored upon demand by the holder of the certificate of the grain, if such demand is accompanied by an offer to surrender the certificate.

Sec. 20. Excuse for refusal.—In case the owner refuses or fails to deliver the goods in compliance with a demand by the holder of a certificate so accompanied, the burden shall be upon the owner to establish the existence of a lawful excuse for such refusal.

Sec. 21. Expense of supervision.—For the purposes of defraying the expenses of supervision the owner shall pay to the commission or the local supervisory board of the county in which the grain is stored, if any, at the time of sealing an amount determined by the rules and regulations issued hereunder, but in no event to exceed one cent per bushel for grain inspected and sealed by the sealer. Out of the funds thus created, the compensation of the sealer as fixed by the commis-

sion shall be paid by it or by the board of the county in which the grain is stored, subject to its approval.

Sec. 22. Fees for sealer.—In the exercise of his power and functions as an officer of the peace in connection with the provisions of this chapter, the sealer be entitled to the same fees as are provided by law for the performance of similar duties.

Sec. 23. Violations—penalties.—Any person unlawfully removing, breaking or in any manner interfering or tampering with any seal, lock or other fastening placed upon any granary, crib, bin, or other receptacle for grain under the provisions of this chapter, except when such removal shall be rendered imperative to prevent the damage, loss or destruction of grain stored therein, shall be guilty of a crime and shall be punished by a fine of not less than \$100.00 or more than \$500.00, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Sec. 24. Fraudulent certificates.—An owner, the agent or servant of an owner, or any member of any board, or any sealer, who fraudulently issues or aids in fraudulently issuing a certificate for grain, knowing that it contains any false statement, shall be guilty of a crime and upon conviction shall be punished for each offense by imprisonment in the county jail not exceeding one year, or by a fine not exceeding \$1,000.00, or by both.

Sec. 25. Violations—penalties.—An owner, or any officer, agent or servant of an owner who delivers grain out of the possession of such owner, knowing that a negotiable certificate, the negotiating of which would transfer the right to the possession of such grain, is outstanding and uncanceled, without obtaining the possession of such certificate at or before the time of such delivery, shall except when ordered by the court, as hereinbefore provided, be found guilty of a crime and on conviction shall be punished for each offense by imprisonment in the county jail not exceeding one year, or by a fine not exceeding \$1,000.00, or by both such imprisonment and fine.

Sec. 26. Violations—penalties.—Any owner who shall, after the issuance and negotiation of a certificate for grain in storage, take, sell, mortgage, pledge, hypothecate or otherwise incumber, or attempt to take, sell, mortgage, pledge, or otherwise incumber, the said grain, or who shall take or remove it from the receptacle where standing, shall be guilty of a crime and upon conviction thereof, shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00 or be imprisoned in

the county jail for not more than one year, or be punished by both such fine and imprisonment.

Sec. 27. Uniform warehouse receipt laws to apply.—All the provisions of the uniform warehouse receipts law as contained in Laws 1931, Chapter 161, relative to the negotiation, transfer, sale or endorsement of warehouse receipts shall, so far as possible, apply to the negotiation, transfer, sale or endorsement of the certificates provided for herein.

Sec. 28. Provisions severable.—If any provision or part of this act to be held unconstitutional it shall not invalidate or in any way affect any other provision or part thereof.

Sec. 29. Law repealed.—Laws 1931, Chapter 294, is hereby repealed.

Approved March 25, 1935.

CHAPTER 66—H. F. No. 1196

An act providing for the issuance of bonds for refunding purposes by certain villages, and authorizing school districts lying wholly or partially within such villages to purchase such bonds.

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

Section 1. Villages may issue bonds.—Any village in the State of Minnesota whose existing bonded, judgment and floating indebtedness is less than 20 per cent of the assessed value of its taxable property, exclusive of money and credits, is hereby authorized to issue the bonds of such village to refund or fund any such indebtedness, in the manner hereinafter provided.

Sec. 2. Issuance of bonds—rate of interest.—Before any bonds are issued pursuant to the provisions of this act, the issuance of such bonds shall be authorized by resolution adopted by the affirmative vote of a majority of the members of the village council. Such bonds shall bear interest at not to exceed four per cent, payable semi-annually, and shall be in such form as the governing body shall by resolution determine, shall be signed by the president and countersigned by the clerk, and may be sold at either private or public sale, with or without notice, as may be determined by such village council.