

Necessary ap-
propriation.

lars or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying into effect this act.

When act to
take effect.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 5, 1885.

CHAPTER 144.

AN ACT TO REGULATE WAREHOUSES, INSPECTION, WEIGH- ING AND HANDLING OF GRAIN.

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

What to be de-
clared public
warehouses.

SECTION 1. All elevators or warehouses located at Minneapolis, St. Paul, and Duluth, in this State, in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of different lots or parcels cannot be accurately preserved, and doing business for a compensation, are hereby declared to be public warehouses.

License re-
quired before
transacting
business.

SEC. 2. The proprietor, lessee or manager of any public warehouse shall be required before transacting any business to procure from the railroad and warehouse commissioners a license permitting such proprietor, lessee or manager to transact business as a public warehouseman under the laws of this State, which license shall be issued by the railroad and warehouse commissioners upon written application, which shall set forth the location and name of such warehouse, and the individual name of each person interested as owner or principal in the management of the same, or if the warehouse be owned or managed by a corporation, the name of the president, secretary, and treasurer of such corporation shall be stated, and the said license shall give authority to carry on and conduct the business of public warehouse, in accordance with the laws of the State, and shall be revocable by said commissioners upon a summary proceeding before the commissioners, upon complaint of any person in writing, setting forth the particular violation of law, and upon satisfactory proof to be taken in such manner as may be directed by the commissioners.

License may be
revoked in case
of violation of
law.

Person receiv-
ing license to
file bond — in
what amount —
conditions.

SEC. 3. The person receiving a license as herein provided shall file with the commissioners granting the same, a bond to the state of Minnesota, with good and sufficient sureties

to be approved by said commissioners, in the penal sum of not less than ten thousand (10,000) dollars, nor more than fifty thousand (50,000) dollars, in the discretion of the railroad and warehouse commissioners, for each warehouse licensed in the county conditional for the faithful performance of his duty as a public warehouseman and his full and unreserved compliance with all laws of this State in relation thereto. A fee for the issuance of each license of two (2) dollars shall be paid by the person applying for the same; *Provided*, That when any person or corporation procures a license for more than one warehouse in any one county in the state, no more than one bond need be given.

SEC. 4. Any person who shall transact the business of a public warehouseman, without first procuring a license as herein provided, or who shall continue to transact any such business after such license has been revoked (save only that he may be permitted to deliver property previously stored in such warehouse), shall on conviction by indictment be fined in a sum not less than one hundred (100) dollars, nor more than five hundred (500) dollars, for each and every day such business is carried on, and the railroad and warehouse commissioners may refuse to renew any license or grant a new one to any of the persons whose license has been revoked within one (1) year from the time the same was revoked.

SEC. 5. It shall be the duty of every public warehouseman to receive for storage any grain, dry and in a suitable condition for warehousing, that may be tendered to him in the usual manner, in which such warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between persons desiring to avail themselves of warehouse facilities. Such grain to be in all cases inspected and graded by a duly authorized inspector, and to be stored with grain of a similar grade. And in no case shall grain of a different grade be mixed together while in store, but if the owner or consignee so requests and the warehouseman consents thereto, his grain of the same grade may be kept in a bin by itself, apart from that of other owners, which bin shall thereupon be marked and known as a special bin. If a warehouse receipt be issued for grain so kept separate, it shall state on its face that it is in a special bin, and shall state the number of such bin and all grain delivered from such warehouse shall be inspected on its delivery by a duly authorized inspector of grain. Nothing in this section shall be construed so as to require the receipt of any kind of grain into any warehouse in which there is not sufficient room to accommodate or to store it properly, or in cases where such warehouse is necessarily closed. The charges for inspection, upon receipt and delivery, shall be paid by the warehouseman and may be added to the charge of the storage. The chief inspector may recover such

Penalty for transacting business without a license.

To receive grain for storage in suitable condition — when tendered.

Grain to be kept in separate bin — when.

Charges for inspection, how paid.

charges of the warehouseman by an appropriate action in his name.

When warehouseman to issue a receipt — what to contain.

SEC. 6. Upon application of the owner or consignee of grain stored in a public warehouse, the same being accompanied with evidence that all transportation or other charges, which may be a lien upon the grain, including charges for inspection and weighing, have been paid, the warehouseman shall issue to the person entitled to receive it a warehouse receipt therefor, subject to the order of the owner or consignee, which receipt shall bear date corresponding with the receipt of the grain in store, and shall state upon its face the quantity and inspected grade of the grain, and that the grain mentioned on it, has been received into store to be stored with grain of the same grade by inspection, and that it is deliverable upon the return of the receipt properly endorsed by the person to whose order it was issued and the payment of proper charges for storage. All warehouse receipts for grain issued by the same warehouse, shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same warehouse during any one year, except in case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original, and shall be plainly marked on its face "duplicate." If the grain was received from railroad cars, the number of each car shall be stated upon the receipt with the amount it contained, if from barges or other vessels, the name of such craft, if from team or by other means, the manner of its receipt shall be stated on its face.

Receipts to be consecutively numbered.

What receipt to contain.

When receipt may be cancelled.

SEC. 7. Upon the delivery of grain from store upon any receipt, such receipt shall be plainly marked across its face the word "cancelled," with the name of the person cancelling the same, and shall thereafter be void, and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt. No warehouse receipt shall be issued, except upon actual delivery of grain into store in the warehouse from which it purports to be issued, and which is to be represented by the receipts. Nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received. Nor shall more than one receipt be issued for the same lot of grain, except in cases where receipt for a part of a lot is desired, and then the aggregate receipt for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt is delivered out of store, and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the same date as the original, and shall state on the face that it is balance of receipt of the original number, and the receipt upon which a part has been delivered, shall be cancelled in the same manner as if it had all been delivered. In case it be desirable to divide one receipt into two or more, or in

When receipt may be issued.

When new receipt may be issued.

case it be desirable to consolidate two or more receipts into one, and the warehouseman consents thereto, the original receipt shall be cancelled the same as if the grain had been delivered from [the] store, and the new receipts shall express on their face that they are a part of another receipt or a consolidation of other receipts, as the case may be, and the numbers of the original receipts shall also appear upon the new ones, issued as explanatory of the change, but no consolidation of receipts of dates differing more than ten (10) days shall be permitted. And all new receipts issued for old ones cancelled as herein provided, shall bear the same date as those originally issued as near as may be.

SEC. 8. No warehouseman in the state shall insert in any receipt issued by him any language in anywise limiting or modifying his liabilities or responsibility as imposed by the laws of this state.

Not to limit or modify liabilities.

SEC. 9. On the return of any warehouse receipt by him, properly endorsed and the tender of all proper charges upon the property represented by it, such property shall be immediately delivered to the holder of such receipt, and it shall not be subject to any further charges for storage after demand for such delivery shall have been made, and the property represented by such receipt shall be delivered within twenty-four (24) hours after such demand shall have been made, and the cars or vessels for the same shall have been furnished. The warehouseman in default shall be liable to the owner of such receipt for damages for such default in the sum of one (1) cent per bushel, and in addition thereto one (1) cent per bushel for each and every day of such neglect or refusal to deliver; *Provided*, No warehouseman shall be held to be in default in delivering if the property is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify.

When property may be delivered to holder of receipt.

In case of default—liability.

SEC. 10. It shall be the duty of every owner, lessee and manager of every public warehouse in this state to furnish in writing, under oath, at such times as the board of warehouse commissioners shall require and prescribe, a statement concerning the condition and management of the business as such warehouseman.

To make statement under oath—to whom.

SEC. 11. The warehouseman of every public warehouse located at Minneapolis, St. Paul and Duluth shall, on or before Tuesday morning of each week, cause to be made out and shall keep posted up in the business office of his warehouse, in a conspicuous place, a statement of the amount of each kind and grade of grain in store in his warehouse at the close of business on the previous Saturday, and shall also on each Tuesday morning render a similar statement made under oath before some officer authorized by law to administer oaths, by one of the principal owners or operators thereof or by the bookkeeper thereof having personal knowledge of the facts, to the warehouse registrar appointed as hereinafter provided. They shall also be required to fur-

When to make statement relative to kind and grade of grain in store.

nish daily to the said registrar a correct statement of the amount of each kind and grade of grain received in store in such warehouse on the previous day, also the amount of each kind and grade of grain delivered or shipped by such warehouseman during the previous day, and what warehouse receipts have been cancelled, upon which the grain has been delivered on such day, giving the number of each receipt and amount, kind and grade of grain, received and shipped upon each, also how much grain, if any, was so delivered or shipped, and the kind and grade of it, for which warehouse receipts had not been issued, and when and how such unreceipted grain was received by them, the aggregate of such reported cancellations and delivery of unreceipted grain corresponding in amount, kind and grade with the amount so reported delivered, or shipped. They shall also, at the same time report what receipts if any, have been canceled and new ones issued in their stead as herein provided for, and the warehouseman making such statements shall in addition furnish the said registrar any further information regarding receipts issued or canceled, that may be necessary to enable him to keep a full and correct record of all receipts issued and canceled, and of grain received and delivered.

To report what receipts have been canceled and new ones issued.

Who to act as registrars.

SEC. 12. It is hereby made the duty of the secretary of the railroad and warehouse commissioners to act as registrar in accordance with the spirit and intent of section eleven (11) of this act.

To publish a schedule of rates for the storage of grain — when.

SEC. 13. Every warehouseman of public warehouses located at Minneapolis, St. Paul and Duluth, shall be required during the first week in September of each year to publish in one or more of the newspapers (daily if there be such) published in the city or village in which such warehouse is situated, a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rates shall not be increased during the year, and such published rates or any published reduction of them shall apply to all grain received into such warehouse from any person or source, and no discrimination as to rates shall be made directly or indirectly by such warehouseman for the storage of grain. The maximum charge for storage and handling of grain, including the cost of receiving and delivering shall be for the first (1st) fifteen (15) days or part thereof one and one-half (1½) cents per bushel, and for each fifteen (15) days or part thereof after the first fifteen (15) days, one-half (½) cent per bushel, and for continuous storage between the fifteenth (15th) day of November and the fifteenth (15th) day of May following, not more than four (4) cents per bushel.

Maximum rates.

Not lawful to mix grain for the purpose of storing or delivering the same.

SEC. 14. It shall not be lawful for any public warehouseman to mix any grain of different grades together or to select different qualities of the same grade for the purpose of storing or delivering the same. Nor shall he attempt to

deliver grain of one grade for another, or in any way tamper with grain while in his possession or custody, with a view of securing any profit to himself or any other person. And in no case, even of grain stored in a separate bin, shall he be permitted to mix grain of different grades together while in store. He may, however, on request of the owner of any grain stored in a private bin, be permitted to dry, clean, or otherwise improve the condition or value of any such lot of grain; but in such case it shall only be delivered as such separate lot, or as the grade it was originally inspected when received by him, without reference to the grade it may be as improved by such process of drying or cleaning. Nothing in this section, however, shall prevent any warehouseman from removing grain while within his warehouse for its preservation or safe keeping.

Authorized by permission to improve the value of grain.

No public warehouseman shall be held responsible for any loss or damage to property by fire while in his custody, provided reasonable care and vigilance be exercised to protect and preserve the same, nor shall he be held liable for damage to grain by heating, if it can be shown that he has exercised proper care in handling and storing the same, and that such heat or damage was the result of causes beyond his control, and in order that no injustice may result to the holder of grain in any public warehouse of Minneapolis, St. Paul, and Duluth, it shall be deemed the duty of such warehouseman to dispose of by delivery or shipping in the ordinary and legal manner of so delivering that grain of any particular grade which was first received by them or which has been for the longest time in store in his warehouse, and unless public notice has been given that some portion of the grain in his warehouse is out of condition, or becoming so, such warehouseman shall deliver grain of quality equal to that received by him, on all receipts as presented. In case, however, any warehouseman of Minneapolis, St. Paul, and Duluth, shall discover that any portion of the grain in his warehouse is out of condition, or becoming so, and it is not in his power to preserve the same, he shall immediately give public notice by advertising in a daily newspaper in the city in which such warehouse is situated, and by posting a notice in the most public place (for such purpose) in such city, of its actual condition as near as he can ascertain. It shall state in such notice the kind and grade of the grain, and the bins in which it is stored, and shall also state in such notice the receipts outstanding upon which such grain will be delivered, giving the numbers, amounts and dates of each, which receipts shall be those of the oldest dates then in circulation or uncanceled, the grain represented by which has not previously been declared or receipted for as out of condition, or if the grain longest in store has not been receipted for, he shall so state, and shall give the name of the party for whom such grain was stored, the date it was received, and the amount of it, and the enumeration of receipts and iden-

Not responsible for loss or damage by fire.

To give public notice in case grain becomes damaged—how.

What notice to contain.

tification of grain so discredited, shall embrace as near as may be as great a quantity of grain as is contained in such bins, and such grain shall be delivered upon the return and cancellation of the receipts, and the unreceipted grain upon the request of the owner or person in charge thereof. Nothing herein contained shall be held to relieve the said warehouseman from exercising proper care and vigilance in preserving such grain after such publication of its condition, but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse. Any warehouseman guilty of any act or neglect, the effect of which is to depreciate property stored in the warehouse under his control, shall be held responsible as at common law or upon the bond of such warehouseman, and in addition thereto the license of such warehouseman, if his warehouse be in Minneapolis, St. Paul, or Duluth, shall be revoked. Nothing in this section shall be so construed as to permit any warehouseman to deliver any grain stored in a special bin or by itself as provided in this act, to any but the owner of the lot, whether the same be represented by a warehouse receipt or otherwise. In case the grain declared out of condition, as herein provided for, shall not be removed from store by the owner thereof within two (2) months from the date of the notice of its being out of condition, it shall be lawful for the warehouseman where the grain is stored to sell the same at public auction, for account of said owner, by giving ten (10) days public notice by advertisement in a newspaper (daily if there be such) published in the city or town where such warehouse is located.

Warehouseman to exercise proper care in preserving such grain.

When authorized to dispose of grain out of condition.

Who authorized to examine property stored in public warehouse.

All scales subject to examination and test — by whom — expense by whom paid.

SEC. 15. All persons owning property, or who may be interested in the same in any public warehouse, and all duly authorized inspectors of such property shall at all times, during ordinary business hours, be at full liberty to examine any and all property stored in any public warehouse in this state, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants for an examination, and all parts of the public warehouses shall be free for the inspection and examination of any person interested in property stored therein, or of any authorized inspector of such property. And all scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized inspector, weighmaster, or scaler of weights and measures, at any time when required by any person or persons, agent or agents whose property has been or is to be weighed on such scales. The expense of such test by an inspector or scaler to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who may be guilty of continuing to use scales found to be in an imperfect or incorrect condition, by such examination and test until the same shall have

been pronounced correct and properly sealed, shall be liable to be proceeded against as hereinbefore provided.

SEC. 16. The railroad and warehouse commissioners shall appoint in all cities where there is state inspection of grain a state weighmaster and such assistants as shall be necessary.

Appointment of State weighmaster.

SEC. 17. Said state weighmaster and assistants shall, at the places aforesaid, supervise and have exclusive control of the weighing of grain and other property which may be subject to inspection; and the inspection of scales and the action and certificate of such weighmaster and assistants in the discharge of their aforesaid duties shall be conclusive upon all parties in interest.

To have exclusive control of the weighing of grain.

SEC. 18. The board of railroad and warehouse commissioners shall fix the fees to be paid for the weighing of grain or other property, which fees shall be paid by the warehouseman and may be added to the charges for storage.

Fees — how fixed.

SEC. 19. Said state weighmaster and assistants shall not be a member of any board of trade or association of [any] like character; they shall give bonds in the sum of five thousand dollars (\$5,000), conditioned for the faithful discharge of their duties, and shall receive such compensation as the board of railroad and warehouse commissioners shall determine.

Not to be member of any board of trade — to give bond.

SEC. 20. The railroad and warehouse commissioners shall adopt such rules and regulations for the weighing of grain and other property as they shall deem proper.

Rules and regulations to be adopted.

SEC. 21. In case any person, warehouse or railroad corporation or any of their agents or employes shall refuse or prevent the aforesaid state weighmaster or either of his assistants from having access to their scales in the regular performance of their duties in supervising the weighing of any grain or other property in accordance with the tenor and meaning of this act, they shall forfeit the sum of one hundred dollars (\$100) for each offense, to be recovered in an action of debt before any justice of the peace, in the name of the state of Minnesota, such penalty or forfeiture to be paid to the state treasurer for the benefit of the grain inspection fund, and shall also be required to pay all costs of prosecution.

Fine for refusing access to their scales — in what sum — how recovered.

SEC. 22. It shall be the duty of the railroad and warehouse commissioners to appoint a suitable person as chief inspector of grain in the state of Minnesota, who shall hold his office for the term of two (2) years, unless sooner removed by said railroad and warehouse commissioners, who shall, before entering upon the duties of his office, take an oath of office, as in case of other state officers, and shall execute a bond to the state of Minnesota, in the penal sum of ten thousand (10,000) dollars, with good and sufficient sureties, to be approved by the railroad and warehouse commissioners, conditioned that he will faithfully and impartially discharge the duties of the office of chief inspec-

Appointment of chief inspector of grain — term of office — to give a bond.

tor according to law and the rules and regulations of said railroad and warehouse commissioners, and that he will pay all damages to any person or persons who may be injured by reason of his neglect or failure to comply with the law or the rules and regulations aforesaid.

May appoint
deputy inspector.

SEC. 23. Said chief inspector shall appoint, subject to the approval of the railroad and warehouse commissioners, such number of deputy inspectors as may be required. One of which deputies in each of the cities of St. Paul and Minneapolis, and the village of Duluth, shall be denominated and styled chief deputy.

Deputies to take
oath and give
bond.

SEC. 24. Such deputy inspectors shall take a like oath of office to that required from the chief inspector, and shall give a bond to the state of Minnesota, in the penal sum of five thousand (5,000) dollars, with such good and sufficient securities as may be approved by the railroad and warehouse commissioners, and conditioned in like manner as the railroad and warehouse commissioners require from the chief inspector.

Bonds to be
filed with secretary
of State.

SEC. 25. The bonds given by the chief inspector and the deputy inspectors shall be filed in the office of the secretary of state for the state of Minnesota, and suit may be brought upon said bond or bonds in any court having jurisdiction thereof, for the use of the person or persons so injured.

Power to re-
move deputies

SEC. 26. The chief inspector shall have power to remove any of the deputy inspectors at pleasure, and said deputy inspectors shall act under the immediate control and supervision of said chief inspector.

How chief of
deputy in-
spectors to be
governed.

SEC. 27. The chief inspector of grain and all deputy inspectors shall be governed in their inspection duties by such rules and regulations as may be provided by the railroad and warehouse commissioners; and the said commissioners shall have power to fix the rate of charges for inspection of grain, and the manner in which the same shall be collected, and which charges shall be regulated in such manner as will in the judgment of said commissioners produce sufficient revenue to meet the necessary expenses of the inspection service, and no more. Said railroad and warehouse commissioners shall fix the amount of compensation to be paid to the chief inspector and deputy inspectors, and prescribe the time and manner of payment thereof; which compensation shall be paid out of the grain inspection fund, hereinafter created, on the order of the railroad and warehouse commissioners.

Compensation
—how fixed.

Not to be inter-
ested in hand-
ling or storing
of grain.

SEC. 28. No chief inspector or deputy inspector of grain shall, during his term of service, be interested, directly or indirectly, in the handling, storing, shipping, purchasing or selling of grain, nor shall he be in the employment of any person or corporation interested in the handling, storing, shipping, purchasing or selling of grain.

SEC. 29. Upon complaint in writing of any person to the

railroad and warehouse commissioners, supported by reasonable and satisfactory proof, that the chief inspector or any of his deputies have violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, said person shall be by said railroad and warehouse commissioners immediately removed from office.

When may be removed from office.

SEC. 30. Any person who shall assume to act as an inspector of grain, who has not first been so appointed and sworn, shall be held to be an imposter, and shall be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars, for each and every attempt to so inspect grain, to be recovered before a justice of the peace in an action of debt in the name of the state of Minnesota, for the use of any person choosing to sue.

Imposters—how punished.

SEC. 31. Any duly authorized inspector or deputy inspector of grain, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money, or other consideration, directly or indirectly, for any neglect of duty or any improper performance of duty as such inspector of grain, or any person who shall improperly influence any inspector of grain in the performance of his duty as such inspector shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, or shall be imprisoned in the county jail not less than thirty (30) days nor more than one (1) year, or both in the discretion of the court.

Neglect of duty, how punished.

SEC. 32. The charge for the inspection and weighing of grain shall be and constitute a lien on grain so inspected, and whenever such grain is in transit the said charges shall be treated as advanced charges, to be paid by the common carrier in whose possession the same is at the time of inspection.

What constituted a lien on grain.

SEC. 33. The decision of the chief inspector or any of the deputy inspectors as to [the] grade of grain shall be final and binding on all parties; unless an appeal is taken from such decision as hereinafter provided.

Decisions binding.

SEC. 34. In case any owner, consignee or shipper of grain, or any warehouse manager shall be aggrieved by the decision of the chief inspector or any of his deputies, an appeal may be had to the railroad and warehouse commissioners and a decision of a majority of such commissioners shall be final, and the railroad and warehouse commissioners are authorized to make all necessary rules governing such appeal; *Provided*, That the party appealing shall pay to the chief inspector a sum not to exceed five (5) dollars per case before said case be entertained, which sum shall be refunded in case such case is sustained.

Right of appeal.

SEC. 35. In case any owner or consignee of grain shall

In case of dissatisfaction — how to proceed.

be dissatisfied with the inspection of any lot of grain, or shall from any cause desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into any public warehouse (whether the property may have previously been consigned to such warehouse or not) by giving notice to the person or corporation in whose possession it may be at the time of giving such notice; and such grain shall be withheld from going into store, and be delivered to him, subject only to such proper charges as may be a lien upon it prior to such notice — the grain in railroad cars to be removed therefrom by such owner or consignee within twenty-four (24) hours after such notice has been given to the railroad company having it in possession. *Provided*, Such railroad company place the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to receive his grain shall be deemed guilty of conversion, and shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the proprietor or manager of any warehouse into which it would otherwise have been delivered, and if, after such notice, it be taken into store in such warehouse, the proprietor or manager of such warehouse shall be liable to the owner of such grain for double its market value.

When deemed guilty of conversion.

When liable to the owner for double its market value.

Combinations prohibited.

SEC. 36. It shall be unlawful for any proprietor, lessee or manager of any public warehouse to enter into any contract, agreement, understanding or combination with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any purpose, contrary to the direction of the owner, his agent or consignee.

To establish a grade for all kinds of grain — same to be published.

SEC. 37. The railroad and warehouse commissioners shall before the fifteenth (15th) day of September in each year establish a grade for all kinds of grain bought or handled by any public warehouse in the state, which shall be known as "Minnesota grades," and the grades so established shall be published in some daily newspaper, in each of the three places of St. Paul, Minneapolis and Duluth, each day, for the space of one week.

To furnish standard samples of grain.

SEC. 38. It shall be the duty of the chief inspector of grain to furnish any elevator or warehouse in this State standard samples of grain as established by the official inspection, when requested so to do by the proprietor, lessee or manager thereof, at the actual cost of such sample.

Constant supervision to be exercised over the grain interests of this State — by whom.

SEC. 39. It will be the duty of the railroad and warehouse commissioners to assume and exercise a constant supervision over the grain interests of this state, to supervise the handling, inspection, weighing and storage of grain, to establish all necessary rules and regulations for

the weighing, grading, inspection and appeal on inspection of grain, and for the management of the public warehouses of the state as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law of this state in regard to the same, to investigate all complaints of fraud or oppression in the grain trade and to correct the same as far so it may be in their power.

SEC. 40. The aforesaid rules and regulations not being contrary to the provisions of law, shall be published by said railroad and warehouse commissioners in a daily paper in St. Paul, Minneapolis, and Duluth, and shall be in force and effect until they shall be changed or abrogated by said commissioners in a like public manner.

Rules and regulations to be published — subject to change.

SEC. 41. All moneys collected by state grain inspectors, weighmasters, and other officers, as herein provided for, shall by them be paid into the state treasury.

Moneys to be turned into the state treasury.

SEC. 42. It shall be the duty of the treasurer of the state of Minnesota to receive all moneys aforesaid, and all fines and penalties collected by virtue of this act, and to keep a separate account of the same, and to pay the same on the order of the railroad and warehouse commissioners, and not otherwise.

Duty of state treasurer.

SEC. 43. The attorney general of the state of Minnesota shall be *ex officio* attorney for the railroad and warehouse commissioners, and shall give them such counsel and advice as they may from time to time require, and he shall institute and prosecute any and all suits which said railroad and warehouse commissioners may deem expedient and proper to institute, and he shall render to such railroad and warehouse commissioners all counsel, advice and assistance necessary to carry out the provisions of this act, according to the true intent and meaning thereof. In all criminal prosecutions against a warehouseman for the violation of any of the provisions of this act, it shall be the duty of the county attorney of the county in which such prosecution is brought, to prosecute the same to a final issue.

Who to be attorney for the railroad and warehouse commissioners.

SEC. 44. Nothing in this act shall be so construed as to prevent any person from selling grain by sample regardless of grade.

Selling grain by samples.

SEC. 45. Chapters ninety-five (95) and ninety-nine (99) of the general laws of one thousand eight hundred and seventy-nine (1879) are hereby repealed.

Repeal of former act.

SEC. 46. All acts and parts of acts, general or special, conflicting with this act, are hereby repealed.

Repeal of inconsistent acts.

SEC. 47. The sum of one thousand (1,000) dollars, or as much thereof as is necessary to carry out the provisions of this act, is hereby appropriated out of any money in the state treasury, not otherwise appropriated.

Appropriations.

SEC. 48. But the provisions of this act shall not change the liabilities of warehousemen on grain now in store, nor the inspection thereof; but said inspection shall be had under the same system under which it was received into store.

Not to effect previous liabilities.

When act to
take effect.

SEC. 49. This act shall take effect and be in force after the expiration of sixty (60) days after its passage.

Approved March 5, 1885.

CHAPTER 145.

AN ACT TO PROVIDE FOR THE INCORPORATION OF VILLAGES AND TO DEFINE THEIR DUTIES AND POWERS AND TO REPEAL CERTAIN LAWS IN RELATION THERETO.

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

Not to effect
previous incor-
porations.

SECTION 1. Every village which has heretofore been incorporated under a special act of the legislature therefor shall continue to exist under such act and amendments thereto; and the provisions of this chapter shall in no manner affect or apply to the same, unless adopted as provided in this section. The trustees thereof may, by resolution, submit at a special village election the question whether such village will so continue, or will become re-incorporated under the general statutes. They shall give notice thereof in the manner required in this chapter for notifying special elections. Ballots shall be written or printed "For re-incorporation," and "Against re-incorporation," and the election shall be conducted and result canvassed as provided for an annual village election by such village. If a majority vote for re-incorporation, the trustees shall make a certificate setting forth the fact of such submission, and the vote thereon in detail, and the result thereof, and cause the same to be recorded in the office of the register of deeds, and thereupon the special act of incorporation shall be deemed surrendered, and such village become incorporated under the general statutes, but shall, until the next annual village election herein provided to be held in January following, be governed by the officers then in office.

Re-incorpora-
tion of villages
— how.

SEC. 2. Every village which has been or shall be organized or incorporated under the general statutes, shall be hereafter governed according to the provisions of this chapter, to the end that uniformity of village government and equal privileges to all may be secured.

Uniform vil-
lage govern-
ment, how
secured.

SEC. 3. Any district, sections or parts of sections not in any incorporation village, and in the state of Minnesota, which has been platted into lots and blocks, also the lands adjacent thereto, when said plat has been duly and legally

When sections
or parts of sec-
tions may be-
come incorpo-
rated villages.