

(if such offense be not punishable by the laws of the United States), on conviction, be adjudged guilty of a felony, and punishable by imprisonment in the penitentiary for a term not exceeding five years.

SEC. 3. Every person or persons who shall moor any vessel or vessels of any kind or name whatsoever, or any boat, skiff, barge, scow, raft, or part of a raft to any buoy or beacon placed in the navigable waters of the state, or in any bay, river, or arm of the sea bordering upon this state, by authority of the United States lighthouse board, or shall in any manner hang on with any vessel, boat, skiff, barge, scow, raft, or part of a raft, to any such buoy or beacon, or shall willfully remove, damage, or destroy any such buoy or beacon, or shall cut down, remove, damage, or destroy any beacon or beacons erected on land in this state by the authority of the said United States lighthouse board, shall for every such offense be deemed guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than one or more than six months, or by both such fine and imprisonment, in the discretion of the court.

Buoys and beacons to be protected.

SEC. 4. That one-half of all fines under this act shall be paid by the court to the informer, and that the other half shall be paid into the common school fund of the county in which the action shall be tried.

Fines—disposition of.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 17, 1893.

CHAPTER 28.

S. F. No. 371.

An Act to regulate the receipt, storage and shipment of grain at elevators and warehouses on the right of way of railroads in the state of Minnesota, at stations and sidings other than at terminal points.

Public elevators

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

SECTION 1. All elevators and warehouses in which grain is stored and handled, and which are situate on the right of way of any railroad at any station or siding in this state, other than at terminal points, are hereby declared to be public elevators, and shall be under the supervision and subject to the inspection of the railroad and warehouse commission of the state of Minnesota, and shall, for the purposes of this act, be known and designated as public country elevators or country warehouses; it shall be unlawful to receive, store, ship or handle any grain in any such elevator or warehouse, unless the owner or owners thereof shall have procured a license therefor from

Elevators and warehouses to be licensed.

the state railroad and warehouse commission, which license shall be issued for the fee of one dollar per year, and only upon written application under oath, specifying the location of such elevator or warehouse, and the name of the person, firm or corporation, and the names of all the members of the firm or the names of all the officers of the corporation owning and operating such elevator or warehouse. Such license shall confer upon the licensee full authority to operate such warehouse or elevator in accordance with the laws of this state and the rules and regulations prescribed by said commission, and every person, company or corporation receiving such license shall be held to have accepted the provisions of this act and thereby to have agreed to comply with the same.

To come under control of railroad and warehouse commission.

If any such elevator or warehouse is operated in violation or in disregard of the laws of this state, its license shall, upon due proof of this fact, after proper hearing and notice to the licensee, be revoked by the said railroad and warehouse commission.

License imperative.

SEC. 2. No person, firm or corporation shall in any manner operate such public country elevator or country warehouse without having a license as specified in the preceding section, and any attempt to operate such elevator or warehouse without such license shall be deemed a misdemeanor, to be punished as hereinafter provided, and any attempt to operate such elevator or warehouse in violation of law and without having the license herein prescribed, may, upon complaint of the party aggrieved, and upon complaint of the railroad and warehouse commission, be enjoined and restrained by the district court for the county in which the elevator or warehouse in question is situate, by temporary and permanent injunction, conformably to the procedure in civil actions in the district court.

Rules for elevators.

SEC. 3. The railroad and warehouse commission shall each year, and as much oftener as they shall deem proper, make and promulgate all suitable and necessary rules and regulations for the government and control of public country elevators and public country warehouses, and the receipt, storage and shipment of grain therein and therefrom, and the rates of charges therefor, and the rates so fixed shall be deemed prima facie reasonable and proper, and such rules and regulations shall be binding and have the force and effect of law, and a printed copy of such rules and regulations shall, at all times, be posted in a conspicuous place in each of said elevators and warehouses, for the free inspection of the public.

Duties of party operating public elevator.

SEC. 4. The party operating such country elevator or country warehouse shall keep a true and correct account in writing, in proper books, of all grain received, stored and shipped at such elevator or warehouse, stating the weight, grade and dockage for dirt or other cause on each lot of grain received in store for sale, storage or ship-

ment, and shall, upon the request of any person delivering grain for storage or shipment, receive the same without discrimination during reasonable and proper business hours, and shall, upon request, deliver to such person, or his principal, a warehouse receipt or receipts therefor, in favor of such person or his order, dated the day the grain was received, and specifying upon its face the gross and net weight of such grain, the rate of dockage for dirt or other cause, and the grade of such grain, conformable to the grades fixed by the state railroad and warehouse commission and in force at terminal points, and shall also state upon its face that the grain mentioned in such receipt or receipts has been received into store to be stored with grain of the same grade under such inspection, and that, upon the return of the said receipt or receipts, and upon the payment or tender of payment of all lawful charges for receiving, storing, delivering or otherwise handling said grain, which charges may have accrued up to the time of the return of said receipt or receipts, such grain is deliverable to the person named therein, or his order, either at the elevator or warehouse where it was received for storage, or, if the owner so desires, on track at any terminal point, at the election of said owner, where official inspection and weighing under the rules and regulations of the railroad and warehouse commission of the state of Minnesota is in force, such grain to be consigned to said owner, or his order, and subject to such official inspection and weight as may be determined upon its arrival at such terminal point. In case of such shipment at the election of the party delivering said grain, the party receiving such grain shall deliver to the party for whom the shipment is made a certificate in evidence of such shipment, stating upon its face the date and place of such shipment, the name of consignor and consignee, and the place of destination, and shall also specify upon the face of such certificate the grade and gross and net weights of such shipment, in the same manner as provided herein as to warehouse receipts.

Warehouse receipt.

Provided, however, if the party receiving such grain for storage or shipment shall elect to have the same deliverable at a terminal elevator or warehouse at any of the terminal points as hereinbefore provided, he shall have a prior right and liberty to do so, and in such case the party delivering said grain shall have the right to designate at which of said places said grain shall be deliverable, in quantities not less than a car load, and the party receiving such grain shall have the right to designate the particular elevator or warehouse in the place so named, as the warehouse at which the grain mentioned herein shall be deliverable, and the said party receiving such grain shall in such case issue a written order upon such designated terminal elevator or warehouse in favor of the owner of such grain, or his order, for the delivery of a

Delivery to order.

like quantity and quality of grain as that mentioned in the original warehouse receipt or in quantities not less than a car load, subject to official inspection and weight at such designated terminal point.

Such written order or shipment shall be subject to all freight or transportation or other lawful charges which may have accrued upon said grain represented by such written order or shipment (from the date of the issue of said order or of such shipment, and the date of actual delivery within the meaning of this act in case of shipment), or the date when the grain, in case of a written order, is demanded for delivery at the terminal warehouse.

All warehouse receipts to be numbered.

All warehouse receipts issued for grain received, and all orders issued in lieu of such receipts as hereinbefore provided, shall be consecutively numbered, and no two receipts or orders bearing the same date shall be issued during the same year from the same warehouse, except in case of a lost or destroyed receipt or order, in which case the new receipt or order shall bear the same date and number as the original, and shall be plainly marked on its face "Duplicate."

Receipts must be for actual delivery.

No such receipt or order shall be issued except upon grain which has actually been delivered in said country or terminal elevator or warehouse. The grain specified in such receipt or order shall be made deliverable to the person delivering the grain for storage, or to his order. Such receipt shall not be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received. Such receipt or order shall not contain language in anywise limiting or modifying the liability of the party issuing the same as imposed by the laws of this state, and any such language, if inserted, shall be null and void.

Grades to be specified in receipts.

A failure to specify in such warehouse receipt or order the true and correct grade and gross and net weight of any lot of grain so received shall be deemed a misdemeanor on the part of the person issuing such receipt, for which, on conviction, he may be punished as hereinafter provided.

Delivery on demand.

On the return or presentation of such receipt or order by the lawful holder thereof, properly indorsed, at the elevator or warehouse where the grain represented therein is made deliverable, and upon the payment or tender of payment of all lawful charges, as hereinbefore provided, then grain shall be immediately delivered to the holder of such receipt or order, and it shall not be subject to any further charge for storage, after demand for such delivery shall have been made. The grain represented by such receipt or order shall be delivered within twenty-four hours after such demand shall have been made, and cars or vessels or other means of receiving the same from the elevator or warehouse shall have been furnished. If not delivered upon such demand within twenty-four

hours after such car, vessel or other means for receiving the same shall have been furnished, the warehouse in default shall be liable to the owner of such receipt for damages for such default in the sum of one cent per bushel, and in addition thereto one 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 property is delivered in the order demanded by holders of different receipts or orders and as rapidly as due diligence, care and prudence will justify.

Provided, that if a state public elevator or elevators are at any time established by law, the owner of the grain shall have the right when delivering such grain to demand and receive a receipt for such grain, deliverable at such state elevator as he may designate, subject to the provisions of this section as to grade, dockage and charges.

Receipt for delivery to state elevator.

SEC. 5. In case there is a disagreement between the person in the immediate charge of and receiving the grain at such country elevator or warehouse, and the person delivering the grain to such elevator or warehouse for storage or shipment, at the time of such delivery, as to the proper grade or the proper dockage for dirt or otherwise, on any lot of grain delivered, an average sample of at least three quarts of the grain in dispute may be taken by one or both parties and forwarded in a suitable sack, properly tied and sealed, express charges prepaid, to the chief inspector of grain at St. Paul, which shall be accompanied by the request in writing, of either or both of the parties aforesaid, that the said chief inspector shall examine the same and report what grade or dockage, or both, the said grain is, in his opinion, entitled to and would receive if shipped to the terminal points and subjected to official inspection.

Disagreements as to grades, etc.

Reference to chief inspector.

It shall be the duty of said chief inspector, as soon as practicable, to examine and inspect such sample of grain and adjudge the proper grade or dockage, or both, to which said sample is, in his judgment, entitled and which grain of like quality and character would receive if shipped to the terminal points and subjected to official inspection.

As soon as said chief inspector has examined, inspected and adjudged the grade and dockage, as aforesaid, he shall at once make out in writing and in triplicate a statement of his judgment and finding in respect to the case under consideration, and shall transmit by mail to each of the parties to said disagreement a copy of the said statement of his judgment and finding, preserving the original, together with the sample, on file in his office.

The judgment and finding of the said chief inspector shall be deemed conclusive as to the grade or dockage, or both, of said sample submitted for his consideration, as herein provided, as well as conclusive evidence of the grade or dockage, or both, that grain of same quality and character would receive if shipped to the terminal points and subjected to official inspection.

Complaints
against country
elevators.

SEC. 6. Whenever complaint is made, in writing, to the railroad and warehouse commission, by any person aggrieved, that the party operating any country elevator or country warehouse under this act fails to give just and fair weights and grades, or is guilty of making unreasonable dockage for dirt or other cause, or fails in any manner to operate such elevator or warehouse fairly, justly and properly, or is guilty of any discrimination, then it shall be the duty of the railroad and warehouse commission to inquire into and investigate said complaint and the charge therein contained, and to this end and for this purpose the commission shall have full authority to inspect and examine all the books, records and papers pertaining to the business of such elevator or warehouse, and all the scales, machinery and fixtures and appliances used therein.

Action of com-
missioners.

In case the said commission find the complaint and charge therein contained, or any part thereof, true, they shall adjudge the same in writing and shall at once serve a copy of such decision, with a notice to desist and abstain from the error and malpractice found, upon the party offending and against whom the complaint was made, and to afford prompt redress to the party injured, and if such party does not desist and abstain and does not give the proper redress and relief to the party injured, it shall be the duty of the said commission to institute and carry on, in the name of the complainant, such actions, civil and criminal, as may be necessary and appropriate to redress the wrongs complained of and to prevent their recurrence in the future.

Receipts from
terminal eleva-
tors on ware-
house or eleva-
tor orders.

SEC. 7. On the presentation of the order or orders referred to in section four of this act, by the lawful owner thereof, properly indorsed, at the terminal elevator or warehouse where the grain represented therein is made deliverable, the owner or operator of such terminal elevator shall accept the same, if the party issuing the same shall have in store in such terminal elevator grain in quantity and quality as represented in such order or orders, and deliverable therein, and issue in exchange for such order or orders to the lawful holder of the same, or his order, a terminal receipt bearing date when issued, and which shall state upon its face the net quantity and grade of the grain, and that the grain mentioned therein has been received and held in store, and shall also state separately the transportation and other charges against said grain existing at the date the receipt is issued, and that upon the return of such receipt properly indorsed by the person to whose order it was issued and the payment of all proper and lawful charges against said grain, the same shall be delivered to the lawful owner of such receipt; provided, that the charges of the terminal warehouse shall be computed for a period beginning at the date of the maturity of the order issued by the local warehouseman for such grain, and the same may include interest at the lawful rate upon moneys advanced for payment of transportation charges.

Such terminal receipts shall be consecutively numbered. No two receipts bearing the same number shall be issued by 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 upon its face "Duplicate."

If such local orders when presented at such terminal elevator are not accepted by the owner or operator of such elevator, the party issuing such order or orders shall be liable for such default to the owner of such order or orders for all damages that shall arise from such default, not less, however, than the sum of one cent per bushel for all the grain represented in such order or orders, and in addition thereto one cent per bushel for each and every day of such neglect and refusal. Upon the delivery of the grain under such receipts, the same shall be marked "Canceled."

The grain represented by such receipts may be delivered in part. Receipts so issued may be surrendered and new ones issued. Such receipts may be consolidated as provided in an act entitled "An act to regulate warehouses, inspection, weighing and handling of grain," approved March 5, 1885, and upon presentation of such terminal receipt to such terminal elevator, and upon the payment or legal tender of payment of all lawful charges as hereinbefore provided, the grain represented therein shall be immediately delivered to the holder of such receipt, and it shall not be subject to any further charge for storage after demand for delivery shall have been made. The grain represented by such terminal receipt shall be delivered within twenty-four hours after such demand shall have been made and cars or vessels to receive the same from such terminal elevator or warehouse shall have been furnished. If not delivered upon such demand within twenty-four hours after such cars or vessels for receiving the same shall have been furnished, the owner or operator of the elevator in default shall be liable to the owner of such receipt for all damages sustained by reason of such default, not less than the sum of one cent per bushel, and in addition thereto one cent per bushel for each and every day of such neglect and refusal to deliver.

Provided, no warehouseman shall be held to be in default in delivering if grain is delivered in the order demanded by holders of different receipts as rapidly as reasonable care, diligence and prudence will justify.

SEC. 8. Any person, firm or corporation operating any country warehouse or country elevator under this act shall, on or before the first day of September in every year, and oftener if necessary, render and furnish in writing and under oath to the railroad and warehouse commission a report and itemized statement of all grain received and stored in or delivered or shipped from such elevator or warehouse during the year then last passed.

Non-acceptance of orders from country elevators or warehouse.

Delivery in part.

Default qualified.

Reports from elevators and warehouses to railroad and warehouse commission.

Such statement shall specify the kind, grade, gross and net weight of and dockage upon all grain received or stored and all grain delivered or shipped, and shall particularly specify and account for all so-called overage that may have accrued during the year. Such statement and report shall be made upon blanks and forms furnished and prescribed by the railroad and warehouse commission.

Pooling or combinations unlawful.

SEC. 9. It shall be unlawful for any person, firm or corporation who shall operate any country grain elevator or country grain warehouse, under this act, to enter into any contract, agreement, understanding or combination with any other person, firm or corporation, who shall operate any other country grain elevator or country grain warehouse, under this act, for pooling of the earnings or business of other different and competing grain elevators or warehouses, so as to divide between them the aggregate or net proceeds of the earnings or business of such grain elevators or warehouses, or any portion thereof; and in case of any agreement for the pooling of the earnings or business aforesaid, each day of its continuance shall be deemed a separate offense.

Misdemeanors—penalties.

SEC. 10. Any person, firm or corporation who is guilty of any of the misdemeanors specified in this act, or who is guilty of violating any of the provisions of this act, shall, on conviction, be punished by a fine of not less than fifty dollars and not more than five hundred dollars, and in case a natural person is so convicted, he may be imprisoned until the fine is paid or until discharged by due course of law; and in case a corporation is so convicted, the fine may be collected by execution, as judgments are collected in civil actions, or the property of the corporation may be sequestered and charged with the same, in appropriate legal proceedings.

SEC. 11. This act shall take effect and be in force from and after August 1st, 1893.

Approved April 7, 1893.

S. F. No. 495.

CHAPTER 29.

Grain in cars.

An Act to provide for the care and protection of grain in cars at the several places designated by law as terminal points within the state of Minnesota.

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

Inspectors to note condition of cars.

SECTION 1. It shall be the duty of the chief inspector of grain, and of any deputies as officials serving under him, before opening the doors of any cars containing grain upon their arrival at any of the several places designated by law as terminal points in this state, for the purpose of inspecting the same, to first ascertain the condition of any such car or cars, and determine whether