

may sue and be sued in its corporate name; may adopt by-laws, rules and regulations, alter and amend the same; may purchase and hold, lease and control any real or personal property deemed to promote the objects of the society, sell and convey the same. *This act shall not be construed to preclude the continuance of any agricultural society now existing, nor the granting of aid thereto.*

Such society shall have jurisdiction and control of the grounds upon which its fairs are held, and of the streets and grounds adjacent thereto during such fair, so far as may be necessary for such purpose. At or before the time of holding any fair, the president of any such society may appoint, in writing signed by him, as many persons to act as special constables as he may judge necessary, for and during the time of holding the same and for a reasonable time prior and subsequent thereto. Such constables, before entering upon their duties, shall take and subscribe the usual oath of office, indorsed upon their appointment, and shall have and exercise upon the grounds of such society, and within one-half mile thereof, all the power and authority of constable at common law, and in addition thereto may, within such limits without warrant arrest any person found violating any laws of the state, or any rule, regulation, or by-law of said society, and may summarily remove the persons and property of such offenders from the grounds and take them before any court of competent jurisdiction to be dealt with according to law. Every such peace officer shall wear an appropriate badge of office while acting as such.

Any person who shall wilfully violate any rule or regulation made by such societies during the days of a fair shall be guilty of a misdemeanor.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1923.

CHAPTER 233—H. F. No. 887.

An act to amend Chapter 310, Session Laws of 1921, entitled "An act to regulate cold storage of certain articles of food and dealers therein, defining certain terms as used therein; providing penalties for violations of the provisions of this act, and repealing Chapter 57, Special Session Laws of 1919, and all acts or parts of acts inconsistent herewith."

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

"Chapter 310—An act to regulate cold storage of certain articles of food and dealers therein, defining certain terms used therein; providing penalties for violations of the provisions of this act, and repealing Chapter 57, Special Session Laws of 1919, and all acts

or parts of acts inconsistent herewith," is further amended to read as follows:

Section 1. Definition of "Cold Storage".—For the purpose of this act "Cold Storage" shall mean the storage or keeping of articles of food at or below a temperature above zero of 45 degrees fahrenheit in a cold storage warehouse. The term "Cold Storage Warehouse" shall mean and include every place, whether a single room or enclosed space, or a group of rooms, that is cooled, mechanically or by any artificial means whatever, including the cooling by use of ice, to or below a temperature of 45 degrees fahrenheit above zero and in which articles of food are placed and held for thirty days or more.

For the purposes of this act any room or rooms in a cold storage warehouse, leased, controlled and operated apart from the general storage business of such warehouse and to which the general public has not access for storage purpose, is hereby declared a separate cold storage warehouse, subject to licensing and supervision under this act.

Refrigerator cars and ships, when used solely for the transportation as distinguished from the storage of foods shall not be regarded as cold storage warehouses, nor shall the ice boxes of retail food establishments and chill rooms used only for the holding of food for periods of less than thirty days, be so regarded. The Commissioner shall, however, for the proper enforcement of the law, have the right of inspection of such chill-rooms, and, as well, of the food held therein: "Articles of food" shall mean fresh meat and fresh meat products and all fish, game, poultry, eggs, butter, butter substitutes, and lard substitutes. *For the purposes of enforcing sanitation and public health and in order to make public all current tariff rates and the total amount of cold storage holdings, all other articles of food not hereinbefore specifically mentioned shall be included and come under the provisions of this act and for these purposes shall be subject to such inspection rules and regulations as may be prescribed by the Commissioner of Agriculture.*

Sec. 2. Licenses, fees, etc.—No person, firm or corporation shall maintain or operate a cold storage warehouse without a license so to do issued by the Commissioner of Agriculture. Any person, firm or corporation desiring such license shall make written application to the Commissioner of Agriculture for that purpose, stating the location of the warehouse. The Commissioner of Agriculture, shall cause an examination to be made of said warehouse, and if it be found by him to be in proper sanitary condition and otherwise properly equipped for its intended use, he shall issue a license authorizing the applicant to operate the same as a cold storage warehouse during one year. The license shall be issued

upon payment by the applicant of a license fee of fifty (\$50.00) dollars to the Commissioner of Agriculture.

Sec. 3. Suspending or revoking licenses.—The Commissioner of Agriculture shall also have authority to suspend or revoke the license of any cold storage warehouse man or dealer in cold storage products, whenever it shall be made to appear to him by satisfactory evidence that any such licensee has violated any of the terms or provisions of this act. Such suspension or revocation shall be made only after notice to the licensee and an opportunity to be heard with reference to the grounds for suspension or revocation and such action by the Commissioner of Agriculture shall in no way exempt such licensee from the penalties otherwise provided for in this act.

Sec. 4. Records, reports, etc.—Every licensee, operating under Section 2 of this act, shall keep accurate records of the articles of food received in and of the articles of food withdrawn from his cold storage warehouse, and the Commissioner of Agriculture shall have free access to such records at any time. Every such licensee shall submit a monthly report to the Commissioner of Agriculture, setting forth its itemized particulars and the quantity and kinds of articles of food in his cold storage warehouse. Such monthly reports shall be filed on or before the fifth day of each month, and the reports so rendered shall show the conditions existing on the last day of the preceding month reported and a summary of such reports shall be prepared by the Commissioner of Agriculture and shall be open to the public inspection on or before the tenth day of each month.

Sec. 5. Inspection.—The Commissioner of Agriculture shall inspect and supervise all cold storage warehouses and make such inspection of articles of food therein as he may deem necessary to secure the proper enforcement of this act, and he shall have access to all cold storage warehouses, together with all related offices, toilet, wash and locker rooms, egg candling rooms, power houses or rooms, loading and unloading platforms, passage ways, approaches, and other spaces, the state of sanitation of which may affect the sanitary conditions of the cold storage foods, or which may require visitation or inspection for the enforcement of any of the provisions of the law, at all reasonable times. The Commissioner may appoint such persons as he deems qualified to make any inspection under this act.

Sec. 6. Food which may be received for cold storage.—No article of food intended for human consumption shall be placed, received or kept in any cold storage warehouse unless the same is in an apparently pure and wholesome condition. A food will be deemed "Wholesome" only when it is in all respects fit for human consumption. The Commissioner of Agriculture may seize and condemn any articles of food in cold storage warehouses which

are found to be unfit for human consumption, and such articles of food shall be destroyed or otherwise disposed of under such conditions as the Commissioner shall prescribe.

Sec. 7. Marking articles of food.—No person, firm or corporation shall place, receive or keep in any cold storage warehouse in this state, articles of food unless the same shall be plainly marked, stamped or tagged, either upon the container in which they are packed, or upon the article of food itself, with the date when placed therein; and no person, firm or corporation shall remove or allow to be removed such articles of food from any cold storage warehouse unless the same shall be plainly marked, stamped or tagged, either on the container in which it is enclosed or upon the article of food itself, with the date of such removal, and such marks, stamps and tags shall be prima facie evidence of such receipt, and removal, and of the date thereof. It shall be unlawful to remove, deface, add to, alter or change any mark or marks placed upon the container, wrapper or upon the article of food itself, or upon the label or tag attached thereto, which marks are required under the provisions of this act, or in compliance with regulations adopted by the Commissioner of Agriculture or under the provisions of the cold storage act of any other state, without permission of the Commissioner of Agriculture or under his direction.

If the articles of food are stored by the lessee of a room or rooms in a cold storage warehouse, the said lessee shall be responsible for the goods placed by him or his employes in said leased space, and also for the placing upon them of the required marks. Articles of food entered for periods of less than thirty days in a chill-room located in cold storage warehouses, but used solely for the storage of articles of food for less than thirty days, shall have affixed their respective Lot Numbers, but require no "time of entry" marks. Cold storage products, as defined in this act, may be removed from one container to another for the purpose of grading or repacking into more convenient commercial form, either during cold storage or at the time of withdrawal therefrom providing that the old container was properly marked; the lot number or numbers, and all other distinguishing marks, shall be marked also upon the new container. *An invoice or bill shall be rendered and delivered by the seller to the purchaser for each sale or consignment in wholesale quantities of articles of food which have been in cold storage for a period of thirty days or more, and a copy of such invoice or bill shall be kept on file at the place where said sale was made; such invoice or bill and copy thereof shall clearly describe the articles of food sold, and in addition shall describe such articles of food as being "cold storage," by using the words "cold storage" in connection with such description as for example, "Cold storage meat", "Cold storage fish", "Cold storage*

poultry," "Cold storage butter", "cold storage eggs," "cold storage tallow", "cold storage lard substitutes" etc., such description to be plainly contained on the invoice or bill on a separate line, printed or stamped in type not smaller than ten point bold face, which line shall contain no other words than as above indicated. When such goods are bought for re-sale or on consignment, the purchaser shall keep such invoice or bill on file for at least thirty days after all of the goods covered by such invoice or bill are sold.

Sec. 8. Length of storage period.—No person, firm or corporation shall keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the state for a longer aggregate period than twelve months, except with the consent of the Commissioner of Agriculture, as herein provided.

The Commissioner upon written application made and presented during the twelve months' period may extend the allowable storage period for any particular article of food, provided the same upon examination is found to be in proper condition for further cold storage. If the Commissioner shall grant the application for such further cold storage period he shall enter an order specifying the period for which such additional storage may be permitted. The Commissioner shall make written report on each case in which such extension of storage is granted, including therein the information relating to the reason for the action taken, specifying the kinds and amounts of the articles of food covered by such extension order and the length of time for which the extension is granted, and this report and the order based thereon shall be kept on file in the office of the Commissioner at all times open to the public. No extension shall be granted for a longer period than sixty days, but a second extension of not more than sixty days may be granted upon re-investigation and re-examination, provided the entire extension period shall in no event exceed more than one hundred and twenty (120) days.

In case the owner of any article of food in storage in a cold storage warehouse fails to refuse to remove the same before the expiration of the period of time within which the storage may lawfully be continued, then and in such case the warehouseman may sell the same at public auction and for the best price obtainable, first giving ten days' published notice of his intention so to do and account for and pay over to the owner of said articles of food so sold the amount for which the same is sold, after deducting the reasonable expense of such sale and his charges, if any, for the storage of such articles of food. In such case it shall be lawful to retain such articles of food in cold storage for a period of time, not exceeding fifteen days, after the expiration of time during which such articles of food could otherwise be kept in cold storage.

Sec. 9. Shortening storage period.—Whenever, in the opinion of the Commissioner, the market conditions of food articles, resulting from hoarding or deterioration is such as to require the release for immediate sale of food stuffs held in cold storage, so that there is immediate market therefor at fair and reasonable prices, the Commissioner by order, may shorten the twelve months' storage period herein provided for as to any particular article of food and may by his order fix and establish a shorter storage period for such article or articles of food and thereupon the articles covered by such order shall, upon the expiration of such shortened storage period be released from storage and removed from such storage warehouse.

If such provision for shortened storage period for any reason shall be invalid, no other provision of this act shall be impaired or held invalid in consequence thereof.

Sec. 10. Display of placards.—It shall be unlawful to sell, or to offer for sale, either at wholesale or retail, fresh meat or fresh meat products, fish, game, poultry, eggs, butter, butter substitutes, and lard substitutes which have been held for a period of thirty days or over in cold storage, either within or without the State, without notifying persons purchasing or intending to purchase the same that it has been so held, by the display of a placard, which shall indicate the kind of cold storage products offered for sale by such dealer, which placard shall be furnished at cost by the Department of Agriculture, and shall be prominently displayed within the principal salesroom of such place of business.

Sec. 11. Dealers' penalties.—Any place of business, or warehouse, or outbuilding connected therewith, wherein cold storage products are sold, or held subject to sale, and all books and records shall be open at all reasonable times to inspection by the Commissioner of Agriculture, and for the purpose of examination of such foods, the Commissioner may cause any food container to be opened and examined as to its suitability for human consumption.

Any dealer in cold storage products whether wholesale or retail violating Section 10 of this act, or who shall fail to comply with the rules and regulations of the Commissioner of Agriculture in the enforcement of same shall be guilty of a misdemeanor and shall upon conviction be punished for the first offense by a fine of not to exceed (\$25.00) twenty-five dollars, and for a second offense by a fine not to exceed (\$100.00) one hundred dollars or by imprisonment, or by both such fine and imprisonment.

Sec. 12. Returning food to cold storage—Transfer.—After food has been withdrawn from a cold storage warehouse, for the purpose of placing it on the market for sale, it shall be unlawful for any person, firm or corporation to return such food, or any portion thereof, to such cold storage warehouse, or to any similar warehouse. Subject to such regulations as may be prescribed by

the Commissioner of Agriculture, food may be transferred from one cold storage warehouse or refrigerating plant to another; provided, however, that the total length of time such food shall remain in such cold storage for the purpose of sale, shall not exceed the time specified in Section 8 of this Act.

Sec. 13. Making rules and regulations.—*The Commissioner shall have power and it shall be his duty from time to time to make and publish uniform rules and regulations, not inconsistent with law, to carry out and enforce the provisions of this act, which rules and regulations shall be filed in the office of the Commissioner, and published twice in a legal newspaper of general circulation published at the capital of the state, and from and after the tenth day succeeding the date of the last such publication, such rules and regulations shall have the force and effect of law. An affidavit of such publication shall be kept on file in the office of the Commissioner. A copy of such rules and regulations, certified by the Commissioner, shall be prima facie evidence of the facts therein contained and of the due making and publication of such rules and regulations.*

Sec. 14. Penalties.—Any person, firm or corporation violating any provision of this Act as relating to cold storage warehousing, shall be guilty of a gross misdemeanor and shall upon conviction be punished for the first offense by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment in the jail of the proper county for a period of not more than three months, or by both such fine and imprisonment, and for the second or subsequent offense, by a fine not to exceed one thousand (\$1000.00) dollars or by imprisonment in the jail of the proper county for a period not to exceed one year, or by both such fine and imprisonment.

Sec. 15. Fees and fines, disposition of.—All license fees and fines accruing through the enforcement of the provisions of this act shall be paid into the State Treasury and credited to the State Revenue Fund.

Sec. 16. Conflicting acts repealed.—Chapter 57, Special Session Laws of 1919 and all acts and parts of acts inconsistent with this Act are hereby repealed.

Section 17. This act shall take effect and be in force from and after its passage.

Approved April 12, 1923.

CHAPTER 234—H. F. No. 1002.

An act to amend Chapter 239, Laws 1919, being an act to provide under certain conditions for the separation from cities containing 10,000 inhabitants, or less, and from school districts contained in