

2. That it has exceeded its jurisdiction.
3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty days from the making of the order a notice of appeal, specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of one hundred dollars, to be approved by the county auditor, conditioned for the payments of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

The provisions of this Act relating to appeal shall not apply to any action or proceeding now pending involving the separation of land from any village."

Approved April 14, 1939.

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#### CHAPTER 251—S. F. No. 791

*An act relating to wholesale produce dealers, amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 6240-181½, and 6240-181½ a.*

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

**Section 1. Who are wholesale dealers.**—That Laws 1931, Chapter 394, Section 1, being the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 6240-181½, is hereby amended to read as follows:

"6240-181½. For the purposes of this act any person who shall buy or sell or contract to buy or sell, or who shall handle in wholesale lots for the purpose of resale, or who shall handle on account of or as an agent for another, any produce as herein defined, and any person who shall similarly engage in the business of assembling and trucking produce without an established place of business, shall be deemed a dealer at wholesale; *provided that cooperative associations having not more than forty per cent (40%) of nonmember patrons shall not be deemed dealers at wholesale within the meaning of this Act.*"

**Sec. 2. Definitions.**—That Laws 1931, Chapter 394, Section 2, being the 1938 Supplement to Mason's Minnesota Stat-

utes of 1927, Section 6240-181½ a, is hereby amended to read as follows:

"6240-181½ a. The term "produce" as used in this Act shall mean and include the natural produces of the farm, except hay, grain, straw and livestock, other than veal; the natural products of the orchard, vineyard, garden and apiary, raw and manufactured; the raw and finished products of the dairy, creamery, cheese factory, condensory and dry milk factory; the products of livestock, including wool, mohair, skin, hides, and meats; veal; poultry and poultry products; game and fish; and the timber products of the farm produced upon farms and sold as part of the farming operations thereof.

(a) The term "person" shall mean an individual, firm, co-partnership, corporation or association.

(b) The term "Commissioner" shall mean the Commissioner of Agriculture, Dairy and Food of the State of Minnesota.

(c) The term "voluntary extension of credit" shall be construed to mean *a written* agreement between the seller and the licensee wherein the time of payment for the purchase price of produce is extended beyond the due date.

(d) The term "due date" shall mean seven days from the date of delivery of produce by the seller to the licensee in the case of a sale; in all cases where produce is consigned seven days from the date the sale is made by the broker or handler, except as to creameries *and ice cream manufacturers* where the due date shall mean fifteen days following the monthly day of accounting subsequent to deliveries following the date fixed by each creamery for such accounting."

Approved April 14, 1939.

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#### CHAPTER 252—H. F. No. 845

*An act relating to wild animals and amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 5574-2.*

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

**Section 1. Spearing fish by artificial light.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 5574-2, is hereby amended so as to read as follows: