

CHAPTER 224

LIVE STOCK DEALERS; LIVE STOCK EXCHANGES;
LIVE STOCK COMMISSION MERCHANTS

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224.01 LIVE STOCK. The term "live stock," as used in this chapter, shall include cattle, sheep, hogs, horses, and mules.

[1921 c. 9 s. 5; Ex. 1919 c. 39 s. 1] (5236), (5239)

224.02 LIVE STOCK COMMISSION MERCHANTS. All commission merchants, brokers, or agents, or any person whomsoever engaged in soliciting consignments of live stock to be handled for the account of the shipper handling, buying, or selling any live stock at any public stockyards shall, for the purposes of sections 224.09 to 224.18, be known as "live stock commission merchants."

[Ex. 1919 c. 39 s. 1] (5239)

224.03 LIVE STOCK DEALERS. All persons, other than live stock commission merchants, commonly known as dealers, speculators, traders, or scalpers, engaged in the business of buying and selling live stock at any public stockyards shall, for the purposes of sections 224.04 to 224.07, be known as "live stock dealers."

[1921 c. 9 s. 1] (5232)

224.04 LIVE STOCK DEALERS LICENSED. Every live stock dealer, before engaging in such business, shall first procure a license from the commission, and shall file with it and acceptable to it, a surety bond to the state of Minnesota in the sum of \$1,000. Such bonds shall be continuous surety bonds and be conditioned for the faithful discharge of all duties as a live stock dealer operating under sections 224.04 to 224.07, and full compliance with the law of the state and rules and regulations of the commission relative thereto. The commission may provide rules and regulations relating to live stock dealers in the buying and selling of live stock at such public stockyards.

[1921 c. 9 s. 1] (5232)

224.05 APPLICATION; FEE; TERM. A license shall only be issued upon written application which shall state the name of the individual, firm, or corporation, and each member of the firm or officer of the corporation; the point or points at which the applicant intends to do business, post-office address and the location of the general office of such applicant. Every license shall expire on the 31st day of December following the date of issuance. Such license shall be posted in a conspicuous place in the office of the licensee. The fee for each license must accompany the application and shall be \$10.00. All license fees shall be deposited in the state treasury, to be credited to the live stock weighing fund and paid out only on order of the commission and the state auditor's warrant. The interest received from deposits of these moneys shall be credited on the first of each month to such fund, and notice of the amount of such interest shall be sent to the commission.

[1921 c. 9 s. 2] (5233)

224.06 COMMISSION SHALL EXAMINE BOOKS. The commission shall have the right to examine any and all books, records, and accounts of any live stock dealer. Any live stock dealer, and any agent or employee in charge of such books, records, or accounts, who shall fail or refuse to submit such books, records, or accounts for the examination of the commission shall be guilty of a misdemeanor.

[1921 c. 9 s. 4] (5235)

224.07 EXCEPTIONS. Nothing in sections 224.04 to 224.07 shall apply to any person, firm, copartnership, association, or corporation who ship their own consign-

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ment of live stock, or who shall buy live stock for their own use or for the purpose of feeding.

[1921 c. 9 s. 5] (5236)

224.08 LIVE STOCK EXCHANGES TO BE OPEN MARKET. Any rule, by-law, regulation, or requirement of a live stock exchange or association maintaining a place of business for its members where any live stock is bought, sold, or exchanged for themselves or for others, to the effect that no member thereof shall buy, sell, or exchange live stock with a person who is not a member thereof, is hereby declared to be contrary to public policy and is made null and void and the dealing in live stock by a member of such an association with a non-member shall not work any penalty to such members, nor shall such dealing be cause for cancelation or forfeiture of membership in such live stock exchange or association.

[1921 c. 344 s. 1] (5237)

224.09 LICENSE AND BOND OF LIVE STOCK COMMISSION MERCHANTS.

All live stock commission merchants shall be required to first procure a license from the commission and furnish a bond to the State of Minnesota for not more than \$20,000, which bond shall be a continuous surety bond to be made in such form as the commission may prescribe. The commission may prescribe a bond for such an amount for dealers as will in its opinion be sufficient for the protection of persons doing business with any dealer taking into consideration the volume of business done by such dealer.

Nothing in sections 224.09 to 224.18 shall apply to any person, firm, copartnership, association, or corporation who shall sell their own consignment of live stock or to any person, firm, copartnership, association, or corporation who shall buy live stock for their own use or for the purpose of feeding.

[Ex. 1919 c. 39 s. 1] (5239)

224.10 APPLICATION FOR LICENSE; REVOCATION OF LICENSE. On or before the first of December in each year the persons specified in section 224.09 shall make an application to the commission in writing for a license to conduct the business of a live stock commission merchant. This application shall set forth the name of the individual, firm, or corporation and each member of the firm or officer of the corporation, the point or points at which the applicant intends to do business, post-office address and the location of the general office of such applicant. A separate bond and license shall be required for each point at which such applicant intends to do business.

On or before the first of January each year the commission shall furnish such applicant with a license good for one year, such license to be posted in a conspicuous place in the office of the licensee. The fee for each license must accompany the application for license and shall be \$25.00. All moneys so collected shall be deposited in the state treasury and known as the "live stock weighing fund" and paid out only on order of the commission and the state auditor's warrant. The interest received from deposit of these moneys shall be credited on the first of each month to such fund and notice of the amount of such interest shall be sent to the commission. Such license may be revoked by the commission for cause upon notice and hearing.

[Ex. 1919 c. 39 s. 2; 1921 c. 312 s. 1] (5240)

224.11 SCHEDULE OF CHARGES. The commission shall establish a schedule of reasonable charges, rules, and regulations that may be made by any licensed live stock commission merchant at any public stockyard for the buying or selling of any live stock and may change the schedule whenever it deems necessary. Any licensee charging any amount in excess of the fixed charge in the schedule may have his or their license revoked by the commission after a hearing. Any interested person being aggrieved by the action of the commission, may appeal to the district court of the county of his residence or the county in which the transaction involved took place within 30 days from notice to him by the commission of its decision.

The appeal may be perfected by notice thereof served on the commission or any member thereof and the determination of the court when certified to the commission shall be carried out and performed by the commission.

[Ex. 1919 c. 39 s. 3] (5241)

224.12 STATEMENT TO SHIPPER. When a licensee sells any live stock he shall render a true statement in writing to the consignor within 24 hours of the

number of animals sold, weight, price received, name and address of purchaser and the day of sale.

[*Ex. 1919 c. 39 s. 4*] (5242)

224.13 COMPLAINT MAY BE FILED. When a consignor of live stock, after demand therefor, shall have received no remittance or reports of its sale, or be dissatisfied with the remittance or report, he may file a complaint in writing under oath to the commission, who shall investigate the matter complained of. In making the investigation the commission may compel the licensee to produce all information, books, records, and memoranda concerning the matter, and it shall give the complainant a written report of the investigation. This report shall be prima facie evidence of the matters therein contained.

[*Ex. 1919 c. 39 s. 5*] (5243)

224.14 STATEMENT FILED. It shall be the duty of every licensed commission merchant to make and file with the state supervisor of stockyards on or before the tenth day of each month a statement showing the total amount of hay or other feed delivered by them to shippers and the amount charged for same during the preceding month. Such report shall be verified and in such form as the commission may prescribe.

[*Ex. 1919 c. 39 s. 6*] (5244)

224.15 FAILURE TO ACCOUNT. If any licensee shall fail to account for any consignment of live stock, the consignor or his agent may file with the commission an affidavit setting forth the matters complained of. Thereafter such consignor may bring an action upon the bond of the licensee and recover the amount due him on account of such consignment. If such licensee has become liable to more than one consignor and the amount of his bond be insufficient to pay the entire liability, the consignors shall be compensated in proportion to their several claims.

[*Ex. 1919 c. 39 s. 7*] (5245)

224.16 UNLAWFUL REPRESENTATIONS. It shall be unlawful to use the words "agent," "factor," "broker," "commission merchant" or "commission company" on any advertising matter, letter or billheads of any person not having a license from the commission. Any person, firm, or corporation who shall hold themselves out or claim to be licensed and bonded commission merchants, either by written, printed, or verbal representation, or by the use of any letterhead, statement, or advertisement, without having a license from the commission shall be guilty of a misdemeanor.

[*Ex. 1919 c. 39 s. 10*] (5248)

224.17 VIOLATION; PENALTY. Any person, firm, or corporation engaged in selling any live stock who fails or neglects to comply with any of the provisions of sections 224.09 to 224.18, or any of the rules and regulations of the commission therein provided for, shall be guilty of a misdemeanor; and, upon conviction thereof in any court having competent jurisdiction, punished by a fine or imprisonment. The commission is hereby authorized either upon such conviction or upon its own findings after investigation, if the facts warrant it, to cancel the license of any person, firm, or corporation guilty of any violation of law or conduct prejudicial to the interest of those making consignments for sale. Where a license has been canceled and the order of the commission canceling the same is sustained by the court in case of appeal the commission may refuse to issue any license to such person, firm, or corporation for a term of one year.

[*Ex. 1919 c. 39 s. 8*] (5246)

224.18 INVESTIGATION UPON REQUEST; PENALTY FOR FAILURE TO PRODUCE BOOKS. When requested to do so by an interested shipper the commission shall have power to investigate any sale or transaction carried on by any person, firm, or corporation licensed under sections 224.09 to 224.18 and for that purpose shall have the right to examine any and all books, records, and accounts of any licensed commission merchant. Any licensed commission merchant or any agent in charge of such books, records, or accounts who shall fail or refuse to submit such books, records, or accounts for the examination of the commission shall be guilty of a misdemeanor.

[*Ex. 1919 c. 39 s. 9*] (5247)

224.19 VIOLATIONS; PENALTIES. Subdivision 1. Any person, firm, or corporation engaged in the business of buying and selling any live stock as a live stock dealer who fails or neglects to comply with any of the provisions of sections 224.04 to 224.07 or any of the rules and regulations of the commission therein provided

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for shall be guilty of a misdemeanor; and, upon conviction thereof in any court having competent jurisdiction, punished by a fine or imprisonment. The commission is hereby authorized either upon such conviction or upon its own findings after investigation and hearing, if the facts warrant it, to cancel the license of any person, firm, or corporation guilty of any violation of law, subject to the right of the licensee to appeal from such order to the court. Where a license has been canceled and the order of the commission canceling same is sustained by the court, in case of appeal, the commission may refuse to issue any license to such person, firm, or corporation for the term of one year.

Subdivision 2. When any live stock exchange or association, or any officer or agent thereof, shall violate any of the provisions of section 224.08 the attorney general shall prosecute such organization, officer, or agent for such violation and, by appropriate legal proceedings in the name of the state, ask the dissolution of such organization and prevent its further operation, and the attorney general shall, by injunction or other appropriate legal remedy, restrain such organization and all members thereof from thereafter continuing in such violations and from any further trading in such exchange or association either directly or indirectly.

[1921 c. 9 s. 3; 1921 c. 344 s. 2] (5234) (5238)