

CHAPTER 224**LIVE STOCK DEALERS, EXCHANGES, AND COMMISSION MERCHANTS****224.04 LIVE STOCK DEALERS LICENSED.**

The statute requiring licenses and bonds from wholesale dealers in farm products for the protection of their vendors but excluding farmers selling their own produce is not unconstitutional as an arbitrary classification. The exemption of farmers' cooperatives having not more than 40 per cent of non-member patrons is not an arbitrary or capricious classification. The legislature having determined the policy, may legally delegate to a state agency administrative duties such as fixing the amount of the bonds required of the dealers at wholesale. *State ex rel v Wagener*, 77 M 483, 80 NW 633; *State v Marcus*, 210 M 576, 299 NW 241.

224.08 LIVE STOCK EXCHANGES TO BE OPEN MARKET.

An association of commission men, dealing in live stock at public stockyards, may be required to observe such reasonable regulations as the state sees fit to impose in the exercise of its police power. *Grisin v So. St. Paul Live Stock Exchange*, 152 M 271, 188 NW 729.

A membership in the So. St. Paul traders live stock exchange is property and subject to taxation. *State v Blasius*, 187 M 420, 245 NW 612.

224.09 LICENSE AND BOND OF LIVE STOCK COMMISSION MERCHANTS.

The legislature may impose special restrictions regulating the sale and distribution of one class of commodities, provided the classification is reasonable and in accordance with the usages of trade. The inclusion in the statute of articles not subject to classification with articles which are so subject does not render the enactment invalid as to the articles properly subject to classification. Laws 1907, c. 269, forbidding discriminations in prices charged for petroleum products is a valid police regulation. *State ex rel v Standard Oil*, 111 M 85, 126 NW 527.

224.11 SCHEDULE OF CHARGES.

The business of commission men buying and selling stock at public stockyards is so affected with a public interest that the state may fix reasonable commission charges. Ex. L. 1919, c. 39, fixing the policy and giving the railroad and warehouse commission administrative authority to fix reasonable commission charges is constitutional. *State v Rogers*, 149 M 151, 182 NW 1005.

224.15 FAILURE TO ACCOUNT.

Plaintiff sued upon an electrician's bond required under the provisions of section 326.26 which gave to a person injured by the defective work of a master electrician, licensed under a bond written by defendant, a right of action. Although the state is named as obligee, it is understood the state is so named for itself and those entitled by the statute to maintain an action upon the required bond. *Gray Bar v St. P. Mercury Co.* 208 M 478, 294 NW 654.