

Minnesota shall appoint a suitable and legally qualified person to hold office of judge of the district court of the Ninth Judicial District hereby created, until the election and taking of office by the incumbent thereof under the provisions of Section 2 of this act. Any vacancy in the office hereby created shall be filled in like manner as shall be provided by law for the filling of a vacancy in the office of the other judge of the district court of said district.

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

Approved April 10, 1923.

CHAPTER 200—S. F. No. 776.

An act to empower the county commissioners in certain counties to fix and determine the amount of the total tax levy for road and bridge purposes, and to collect and apportion a part thereof to the various towns, and to repeal inconsistent acts.

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

Section 1. **Tax levy for road and bridge purposes in certain counties.**—In all counties in this state now or hereafter having not less than sixteen nor more than eighteen full or fractional congressional townships, nor less than seventeen thousand nor more than eighteen thousand inhabitants, nor less than fifteen million nor more than sixteen million dollars taxable valuation, the county commissioners of such counties shall have power to fix and determine the total tax levy for all county and town road and bridge purposes and to collect the same for the use of county and town roads and bridges, and to apportion and pay over to each township not to exceed four mills on the dollar of its taxable valuation to be used by such town for road and bridge purposes.

Sec. 2. **To be in lieu of county and town taxes.**—The taxes so levied shall be in lieu of all county and town taxes for the same purposes now authorized by law.

Sec. 3. **Inconsistent acts repealed—Limitations.**—All acts and parts of acts inconsistent herewith are hereby repealed so far, and only so far, as necessary to give full force and effect to this act.

Sec. 4. **Effective December 31, 1923.**—This act shall take effect and be in force from and after December 31, 1923.

Approved April 10, 1923.

CHAPTER 201—S. F. No. 808.

An act defining and relating to the supervision and regulation of public terminal warehouses and providing penalties and repealing Sections 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4445 and

4447, *General Statutes of 1913*; Section 4435, *General Statutes of 1913*, as amended by Chapter 349, *Laws of 1915*, Section 4436, *General Statutes of 1913*, as amended by Chapter 474, *Laws of 1919*, Section 4437, *General Statutes of 1913*, as amended by Chapter 272, *Laws of 1921* and Section 4445, *General Statutes of 1913*, as amended by Chapter 215, *Laws of 1921*.

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

Section 1. **Public terminal warehouses—Definition.**—The term "Public Terminal Warehouse" wherever used in this act, shall be construed to mean and include all elevators or warehouses located within the switching limits of St. Paul, Minneapolis and Duluth or other points in the state, which are now or may hereafter be designated as terminal points in which grains not belonging to the warehouseman is received for storage, whether for hire or without charge, and shall include all such warehouses where grain stored for different owners is mixed together with the grain of other owners and where the identity of the different lots or parcels is not preserved and shall include all such warehouses where grain other than that of the warehouseman is stored in separate bins and the identity thereof preserved.

Provided that Sections 4 and 5 of this Act, and Sections 7 and 10 of this Act, insofar as relates to the requirements therein, in respect to grade and dockage, and wherever requirements in respect to the same occur in said Sections 7 and 10, shall not apply to any such warehouse, which is used and operated exclusively for cleaning, drying, cooling, mixing and conditioning for the market, grain belonging to others, and storing such grain until disposed of by the owner thereof, in which warehouse the grain of each owner or depositor is stored in separate bins or tanks, and is kept separate from the grain of every other owner or depositor, and no grain belonging to such warehouseman is received, handled or stored.

Wherever the term "warehouseman" is used in this act, it shall be construed to mean and include the party, parties, copartnership, association or corporation engaged in the operation of a "public terminal warehouse" as defined in this act.

Wherever the term "commission" is used in this act, it shall be construed to mean the Railroad and Warehouse Commission of the State of Minnesota.

In all cases where such grain is delivered to a terminal elevator the receipt shall be issued in the name of the owner or his agent unless otherwise ordered in writing.

Sec. 2. **What are included.**—All elevators or warehouses included within the foregoing definition of public terminal warehouses are hereby declared to be "public terminal warehouses" and subject to license and regulation as provided in this act.

Sec. 3. **Must be licensed by railroad and warehouse commission.**—No public terminal warehouse as defined in this act,

in the State or Minnesota, shall be operated or receive grain for storage, either to be mixed with the grain of other parties of like grade, or in separate bins, until the owners or parties in charge and operating such warehouse shall first obtain a license from the Railroad and Warehouse Commission authorizing such warehouseman to operate such warehouse under the provisions of this act. Licenses shall be for the term of one year. Before any such license shall be issued, written application under oath shall be made to the commission for license specifying the kind of warehouse, the nature of its construction, its capacity and location, the name of the firm or corporation operating the same and each member of the firm or officer of the corporation, and such other facts as the Commission may require shall be contained in such application. Such application shall be acted upon with reasonable dispatch by the commission and if no reason exists for refusing the same, such license may be issued upon the payment of the fee of \$10.00 for each elevator. Such application shall be granted only upon the warehouseman furnishing to the commission a bond to the State of Minnesota, to be approved by the commission, in the penal sum to be fixed by the commission but not less than \$50,000.00 for each warehouse which shall be conditioned for the faithful discharge of his duties as such warehouseman and full compliance with all the laws of the state and rules of the commission relative to the operation of public terminal warehouses and for the delivery to parties storing grain in such warehouses under the terms of this act of the grain or an equal amount of the same kind and grade so stored or the payment therefor of the value of such grain in case of failure to make such delivery. Such license may be revoked by the commission for violation of the law or any rule or regulation prescribed by the commission, but shall only be revoked upon a written notice or complaint specifying the charges and after a hearing had before the commission. A license may be refused to any warehouseman whose license has been revoked within the preceding year. All moneys collected for license fees shall be deposited with the state treasurer and credited to the grain inspection fund. If such warehouseman applies for a license for more than one warehouse in the same county, but one bond need be furnished but the same shall in all cases be in proportion to the capacity of such warehouses.

Sec. 4. Duties of warehousemen—Form of warehouse receipt.—Every such warehouseman shall receive for storage and shipment so far as the capacity of his warehouse will permit, all grain in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. All grain shall be inspected on receipt and stored with other grain of the same grade except as herein otherwise provided. At the time of the receipt of said grain, the warehouseman shall issue and deliver to

the owner or consignee a warehouse receipt in the following form:

STUB RECORD

Consigned by..... Secretary.

Warehouse Receipt No..... Elevator Co.

..... Minn..... 19.....

The..... Elevator Company has received in store in its elevator known as.....

..... situated at..... Minnesota, for storage from..... owner,

..... bushels of..... which has been duly inspected by a duly authorized inspector of grain appointed by the state railroad and warehouse commission of Minnesota, or licensed by the Secretary of Agriculture of the United States, and has been graded by said inspector as No.....

and is that grade. Said grain, or an equal amount of grain of the same kind and grade is deliverable upon the return of this receipt properly indorsed by the owner above named and the payment of all lawful charges; in case of grain stored separately in a special bin, at the request of the owner or consignee, the identity of such grain will be preserved while in store and said grain will be delivered as such separate lot or parcel, in accordance with the law, upon surrender of the receipt. Loss by fire, heating or the elements is at owner's risk.

The..... Elevator Company conducts said elevator as a public terminal warehouse and receives and stores therein grain of others for hire.

..... bushels..... grade

By.....

Receipt No.19.....	Initial	Car. No.	Bushels			
Received in store from.....						
Bush.....lbsgrade						

The receipts shall be consecutively numbered and delivered to the owner immediately upon receipt of each lot or parcel of grain, giving the true and correct grade and weight thereof. The manner

of receipt of such grain shall be stated in the receipt, and with the number and distinctive mark of each car, and the name of each barge or other vessel. The failure to issue such receipt as directed or the issuance of any warehouse receipt differing in form or language from that prescribed shall be a misdemeanor.

Sec. 5. Grain to be re-delivered on surrender of warehouse receipt.—Upon return of the receipt for grain not stored in separate bins to the proper warehouseman, properly indorsed, and upon payment or tender of all advances and legal charges, grain of the same grade and quantity named therein shall be delivered to the holder of such receipt within twenty-four hours after facilities for receiving the same have been provided. The identical grain, if stored in separate bins, shall be so delivered. If such warehouseman shall fail so to deliver it, he shall be liable to the owner in damages at the rate of one cent a bushel for each day's delay, unless he shall deliver the property to the several owners in the order of demand, as rapidly as it can be done by ordinary diligence. If the warehouseman shall fail so to deliver such grain, the person entitled thereto may recover the same, if kept in separate bins, or the same amount of grain of like grade, if stored with other grain, or the value thereof, in a civil action; and such warehouseman shall also be guilty of larceny.

Sec. 6. Warehouse not to sell without authority from owner.—No such warehouseman shall sell or otherwise dispose of or deliver out of store any grain stored in his warehouse without the express authority of its owner and the return of the storage receipt, except as herein provided, nor mix together grain of different grades in store, nor select grain of different qualities, but of the same grade, for storage or delivery, nor shall he in any way tamper with grain of others while in his possession or custody, with the purpose of securing any profit to himself or any other person, or attempt to deliver grain of one grade for that of another. Any person violating any provision of this section shall be punished by a fine of not more than one thousand dollars or imprisonment in the state prison for not more than five years, or both.

Sec. 7. Grain to be stored in separate bins when requested.—At the request of the owner or consignee, such warehouseman shall store any grain of the same owner or consignee in separate bins, which grain shall then bear the name of the owner or consignee. The warehouseman shall issue to the owner or consignee distinguishing whether owner or consignee, a warehouse receipt or receipts for all or any part of such grain. Every such receipt shall give the name of the owner or consignee and state the amount, kind and grade of grain for which the receipt is issued, and that the grain of such owner or consignee is stored separately from the grain of any other owner or consignee. The warehouseman shall, on presentation and surrender of the warehouse receipt bearing the proper endorsement of the person to whom it was issued, deliver to

the person surrendering the receipt such amounts of the same grain as may be demanded and of the same grade as called for by receipt. The warehouseman at the request of the owner or consignee shall clean, dry, mix, or otherwise improve the condition or value of such grain, and it shall be delivered separately from the grain of any other owner or consignee upon the order of the owner or consignee, in accordance with the terms of the warehouse receipt issued therefor and endorsed by such owner or consignee.

Sec. 8. Inspection at terminal warehouse.—All grain received at a terminal warehouse shall be inspected and graded by a state or federal inspector at the time of its receipt, and reinspected in like manner upon delivery from such warehouse. The charges for such inspections shall be paid by the warehouseman and added to the storage, and the chief inspector may recover such charges from the warehouseman.

Sec. 9. Commission to make rules.—The commission shall make such rules as may be necessary in regard to the receipt, care, and delivery of grain, the issuance, cancellation, division, and consolidation of warehouse receipts and such other matters relative to the management of the business of public terminal warehouses as it shall deem proper, not inconsistent with the provisions of this act.

Sec. 10. Warehousemen to post statement of grain in warehouse—Reports to commission.—Every terminal warehouseman shall post conspicuously in his business office, on or before Tuesday morning of each week, a statement of the amount of grain of each kind and grade in store in his warehouse at the close of business on the preceding Saturday and render a like statement, verified by him or his bookkeeper having personal knowledge of the facts to the warehouse registrar of the commission. He shall also make a daily statement to said registrar of the amount of each kind and grade of such grain received in store in his warehouse the preceding day; the amount shipped or delivered, and the warehouse receipt cancelled on such delivery, stating the number of each receipt and the amount, kind and grade of grain shipped or delivered thereon; the amount, kind and grade of grain delivered for which no warehouse receipt was issued and how and when the same was received, the aggregate of such reported cancellation and delivery of unreceipted grain corresponding in amount, grade and kind with the shipments and deliveries reported; and shall also at the same time report the receipts cancelled upon issue of new ones, with the number of each such receipt cancelled and that issued in its place. He shall also furnish the registrar any further information regarding receipts issued or cancelled necessary for correct record of all such receipts and of grain received and delivered and shall make a further verified statement to the commission of the condition and management of any terminal warehouse under his control, at such times and in such form as the commission may require.

Every such warehouseman shall on or before the fifteenth day of September in each year render such commission on blanks or forms prepared by it an itemized and verified report of all business transacted by him as a public warehouseman during the year beginning September 1st of the preceding year and ending August 31st of the current year. Such report shall state the grade, gross weight and dockage of all grain of various kinds in his warehouse at the beginning of the year, the grade, gross weight and dockage of all grain received, the grade, gross weight and dockage of all grain shipped or delivered from such warehouse and the grade, gross weight and dockage of all grain remaining in the warehouse at the end of the year, and such report shall particularly specify and account for any overage or shortage in any kind of grain accruing during the year. Such report shall also state the weight basis upon which all such grain has been received and the weight basis on which the same has been shipped or delivered. The commission may also require special reports from such warehouseman at such times as the commission may deem expedient. The commission may cause every such warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members, or by its authorized agent, whenever deemed proper, and the property, books, records, accounts, papers and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection.

Sec. 11. Warehousemen to publish annual statements.—Every such warehouseman shall annually, during the first week in September, publish in some newspaper, daily if there be one, published in the place where his warehouse is situated, a schedule of storage rates for the ensuing year, which shall not be increased during such year, and no discrimination in rates shall be made by any such warehouseman. The charge for receiving, handling, storing and delivering grain at such warehouse shall not exceed one and one-half cents per bushel for the first fifteen days or part thereof, and one-thirtieth of a cent per bushel for each day, or part thereof thereafter.

Sec. 12. Warehouses subject to inspection.—Every person having an interest in any grain stored in any such warehouse, and every state grain inspector, shall have the right to examine at all times during ordinary business hours any grain so stored, and all parts of such warehouse; and every such warehouseman, his agents and servants, shall furnish proper facilities for such examination.

Sec. 13. State weighmaster to inspect scales.—All scales in such terminal warehouses, or used for weighing grain in railroad yards at terminal points, shall be under the control of the state weighmasters and subject to inspection by them, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any grain

weighed or to be weighed thereon. If found incorrect, the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until re-examined and found correct.

Sec. 14. Application.—Every right and privilege granted by this act to the owner or shipper of grain for storage in terminal elevators and the rights granted to such owner while the same remains in and is removed from such elevator, shall be and hereby is extended to and may be exercised by an individual or association of individuals, co-partnership, co-operative company or association or corporation and every right and privilege by this act granted to citizens, associations or corporations in this state may be exercised by any citizen, association or corporation of any other state and such citizen, association or corporation of any other state shall have and may exercise the same rights and privileges as citizens, associations or corporation of this state, and be subject to the same restrictions and liabilities.

Sec. 15. Statutes repealed.—Sections 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4446 and 4447. General Statutes of 1913, Section 4435, General Statutes of 1913, as amended by Chapter 349, Laws of 1915, Section 4436, General Statutes of 1913, as amended by Chapter 474, Laws of 1919, Section 4437, General Statutes of 1913, as amended by Chapter 272, Laws of 1921, and Section 4445, General Statutes of 1913, as amended by Chapter 215, Laws of 1921, are hereby repealed.

Sec. 16. Effective August 31st, 1923.—This act shall take effect and be in force from and after August 31, 1923.

Approved April 10, 1923.

CHAPTER 202—S. F. No. 835.

An act to authorize the county board of any county in this state now or hereafter having a population in excess of 200,000 and less than 225,000 inhabitants according to the last United States census, and having an area of more than 5000 square miles, to appropriate and use public funds for the promotion of historical work within the borders of any such county.

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

Section 1. County boards may appropriate money for historical work in certain cases.—Any county in this state, having a population in excess of two hundred thousand (200,000) and less than two hundred and twenty-five thousand (225,000) according to the United States Census of 1920, and having an area of over five thousand (5000) square miles may, by action of its county commissioners, appropriate from the treasury of the county a sum