

No. 105, S.]

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## CHAPTER 19.

**AN ACT** creating a grain and warehouse commission for the state of Wisconsin, and providing for licensing and regulating warehouses and elevators and for the storage, weighing and inspection of grain in the city of Superior and conditionally at other terminal points in said state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Commission created.** SECTION 1. There is hereby created a grain and warehouse commission for the state of Wisconsin to consist of three members to be appointed by the governor of the state of Wisconsin, as hereinafter more particularly provided.

**Commissioners, how appointed; eligibility.** SECTION 2. Such commissioners shall be appointed by the governor of Wisconsin, but no person interested in any elevator or warehouse or in the transportation of grain or in the employ of any person or corporation owning or operating any elevator or warehouse or engaged in the transportation of grain, or in the employ of any common carrier shall be appointed to membership on such commission. Before making such appointment, the governor shall request the governor of the state of North Dakota, the governor of the state of New York and the board of trade of the city of Superior to respectively recommend a person or persons for appointment upon such commission, which said recommendations shall be taken into consideration by the governor in appointing such commissioners, but he shall not be confined to the persons so recommended in appointing such commissioners.

**Term of office; vacancy; removal.** SECTION 3. The commissioners appointed under this act shall hold their offices for the term of one year, and until their successors are appointed and qualified. And in case of any vacancy in such commission, the governor shall fill the vacancy for the unexpired term so made vacant in the same manner as original appointments are required to be made. And such commissioners shall be

subject to removal, for cause, by the governor in the same manner as county officers may be removed.

**Oath of office; bond.** SECTION 4. Each of such commissioners shall, before entering upon the duties of his office, take and file with the secretary of state his oath of office that he will support the constitution of the United States, of the state of Wisconsin and the laws thereof, and faithfully perform the duties of his office to the best of his ability, and shall also execute and file with the state treasurer a bond to the state of Wisconsin in the sum of five thousand (5,000) dollars, with sufficient surety to be approved by the governor of the state, and conditioned for the faithful performance of the duties of his office, and that he will fully account for any and all moneys which may come into his hands by virtue of his office, and that he will pay over such funds as herein directed.

**Powers and duties of commission; appointment of inspectors and weighmasters.** SECTION 5. It shall be the duty of the commission hereby created to superintend the inspection, weighing and grading of all grain milled or received for milling, bought or sold in the city of Superior, and of all grain received for storage, stored or shipped from any and all elevators and warehouses located in said city which are required to take out licenses under the provisions of this act. For the purpose of making such inspection, weighing and grading of grain, said commission shall have the power, and it shall be their duty to appoint a chief inspector and one or more deputy inspectors, a weigh master and one or more deputy weigh masters, and to adopt and publish rules and regulations governing the inspection, weighing and grading of grain delivered into or shipped out of any and all such elevators and warehouses in said city. And there is further granted to said commission full power and authority to make such further regulations as will enable them to fully comply with all the provisions of this act, including the granting of licenses to elevators and warehouses hereinafter provided for, and the establishment and collection of charges and fees for the inspection, weighing and grading of the grain.

**Public warehouses defined.** SECTION 6. All warehouses and elevators doing business for a compensation located in the city of Superior in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which

grain is stored in such a manner that the identity of different lots or parcels cannot be accurately preserved, and all elevators and warehouses located in said city in the business of storing and handling grain which issue warehouse receipts for such grain, are hereby declared to be public warehouses.

**Public warehouseman required to procure license.** SECTION 7. The owner, lessee or manager of any public warehouse in the city of Superior shall be required, before transacting any business, to procure from the grain and warehouse commission a license permitting him to transact business as a public warehouseman under and pursuant to this act, which license shall be issued by said grain and warehouse commission upon written application, which shall set forth the location and name of such warehouse, and the individual name of each person interested as owner or principal in the management of the same, or if such warehouse be owned or managed by a corporation, the name of the president, secretary and treasurer of such corporation shall be stated, and such license shall give authority to carry on and conduct the business of a public warehouse pursuant to this act, and shall be revocable by said commission upon summary proceedings upon complaint of any person in writing setting forth the particular violation of the law, and upon satisfactory proof to be taken in such action in such manner and upon such notice as may be directed by the commission.

**Applicant for license to file bond.** SECTION 8. Before receiving such license, the person applying for the same shall file with the commission a bond to the state of Wisconsin in the penal sum of ten thousand (10,000) dollars, with good and sufficient sureties to be approved by the commission, conditioned for the faithful performance of his duty as a public warehouseman, and for a full compliance with all the laws of the state relating thereto; and shall pay to said commission a license fee of two dollars for each license so applied for, provided that where any person or corporation procures a license for more than one warehouse in said city, only one such bond need be given.

**Penalty for transacting business without license.** SECTION 9. Any person who shall transact the business of a public warehouseman within the city of Superior without first procuring the license herein provided, or who shall continue to transact

business after such license has been revoked (save only that he may be permitted to deliver property previously stored in such warehouse) shall on conviction be fined a sum not less than one hundred or more than five hundred dollars for each and every day such business is carried on, and the commission may refuse to grant a new license to any person whose license shall have been revoked for a period of one year from the time of such revocation.

**Duties of warehouseman; inspection charges.** SECTION 10. It shall be the duty of every public warehouseman to receive for storage any and all grain that is dry and in a suitable condition for warehousing that may be tendered to him in the usual manner in which warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between the persons desiring to avail themselves of the warehouse facilities. Such grain to be in all cases inspected and graded by a duly authorized inspector appointed under the provisions of this act, and to be stored with grain of similar grade, but in no case shall grain of different grades be mixed together while in storage, except as hereinafter provided, though if the owner or consignee so requests and the warehouseman consents thereto, his grain of the same grade may be kept in a bin by itself apart from that of other owners, which bin must be marked and known as "special bin." If a warehouse receipt be issued for grain so kept in separate bins, it shall state on its face that it is for grain so stored in a special bin, and shall state the number of such bin, and all such special bin grain delivered from such warehouse shall be inspected on its delivery by a duly authorized inspector appointed under this act. Nothing in this section shall be construed to require the receipt of any kind of grain into any warehouse which has not sufficient room to contain or store it properly. The charges for inspection upon receipt and delivery shall be paid by the warehouseman, and may be added to the charge for storage. The grain and warehouse commission may recover such charges of the warehouseman, and for that purpose and for the purpose of fully carrying out the provisions of this act, the said commission may sue and be sued in the name of the "Grain and Warehouse Commission for the State of Wisconsin."

**Issue of warehouse receipts.** SECTION 11. Upon application of the owner or consignee of grain stored in public warehouses as defined in this act, accompanied with evidence that all

transportation and other charges which may be a lien upon such grain, including charges for inspection and weighing thereof, have been paid, and not otherwise, the warehouseman shall issue to the person entitled to receive the same a warehouse receipt therefor subject to the order of such owner or consignee, which receipt shall bear even date with the receipt of the grain in store, and shall state upon its face the quantity and grade of the grain as fixed by the inspection provided for in this act, and that the grain mentioned in said receipt has been received into store to be stored with grain of the same grade, and is deliverable upon the return of the receipt properly endorsed by the person to whose order it shall be issued and the payment of the proper charges for storage. All warehouse receipts for grain issued by the same warehouse shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same warehouse during any calendar year, except in case of a lost or destroyed receipt, in which case a new receipt may be issued which shall bear the same date and number as the original receipt, and shall have plainly stamped or marked across its face the word "duplicate." Each such receipt shall state, if the grain is received from cars, the number of each car together with the amount it contained; if from vessels, the name of such craft, together with the amount it contained; if from teams or by other means, the amount and manner of its receipt.

**Issue of receipts, continued; cancellation of receipts.** SECTION 12. Upon delivery of grain from store upon any receipt, such receipt shall have plainly stamped or marked across its face the word "cancelled," with the name of the person cancelling the same, and such receipt shall thereafter be void and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt. No receipt shall be issued except upon actual delivery of grain into store in the warehouse from which it purports to be issued, and which is to be represented by said receipt; nor shall any receipt be issued for a greater quantity of grain than is contained in the lot stated to have been received; nor shall more than one receipt be issued for the same lot of grain, except in cases where a receipt for a part of the lot is desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt issued thereon is delivered out of store, and the remainder is left in store, a new receipt may be issued for such remainder, but the new receipt shall bear the same date as the original re-

ceipt, and shall state on its face that it is for the balance of the grain represented by the original receipt, giving the number thereof, and the original receipt shall thereupon be cancelled in the same manner as if the grain represented thereby had all been delivered. In case it is desirable to divide one receipt into two or more receipts, or in case it is desirable to consolidate two or more receipts into one receipt, and the warehouseman consents thereto, the original receipt shall thereupon be cancelled in the same manner as if the grain represented thereby had been delivered from store, and the new receipts shall state on their face that they are a part of another receipt or a consolidation of other receipts, as the case may be, and shall also state the number of the original receipt so cancelled as aforesaid, but no consolidation of receipts differing in dates more than ten days shall be permitted. And all such new receipts issued in lieu of old receipts which have been cancelled as herein provided, shall bear the same date as the original receipts as near as may be.

**Issue of receipts, continued; warehouseman not to limit his liability.** SECTION 13. No warehouseman operating or running a public warehouse as defined in this act shall insert in any receipt issued by him any language which shall in any wise limit or modify his liability or responsibility as imposed by the provisions of this act or the laws of this state, and no such warehouse receipt shall be issued unless it be issued at the warehouse or at the office of the warehouseman kept in the city of Superior, and shall not be delivered until a record is made of the issuing thereof, containing the date, number, amount, kind and grade of grain, which record shall at all times be kept at the warehouse, or at some other office of said warehouseman in the city of Superior, and shall be open to the inspection of any and all persons having grain stored in such elevator or warehouse, or holding any receipt upon grain stored therein, and any warehouse receipt issued contrary to the provisions of this section shall be absolutely null and void.

**Delivery of grain from store; penalty for failure to so deliver.** SECTION 14. On the return of any warehouse receipt issued by him properly endorsed, and a tender of all proper charges upon the grain represented by it, such grain shall be delivered to the holder of such receipt, and it shall not be subject to any further charges for storage after such demand and tender for such delivery shall have been made, and grain represented by such receipt shall be delivered within twenty-four

hours after such tender and demand shall have been made, and the cars or vessels to receive the same shall have been furnished. Such receipt and payment of charges may be tendered and made at the warehouse, or at the office of the warehouseman kept and provided as required by section 13 of this act. Any warehouseman who shall make default in delivery of grain as herein provided, shall be liable to the owner of such grain or to the owner of the warehouse receipt issued thereon for any such default in the sum of one cent per bushel, and in addition thereto to one cent per bushel for each and every day of such neglect or refusal to so deliver; provided, that no warehouseman shall be held to be in default in delivery of grain if the grain is delivered in the order demanded and as rapidly as due diligence, care and prudence will justify.

**Warehouseman to make statement to commission.** SECTION 15. It shall be the duty of every owner, lessee, or manager of every public warehouse coming within the provisions of this act to furnish in writing under oath to the grain and warehouse commission herein provided for, at such times as said commission may require or demand, the statement concerning the condition and management of his business as such warehouseman.

**Warehouseman to post statement; daily statement to commission.** SECTION 16. Every warehouseman within the provisions of this act shall on or before Tuesday morning of each week cause to be made out, and shall keep posted up in a conspicuous place in the business office of his warehouse within the city of Superior, a statement of the amount of each kind and grade of grain in store in the warehouse up to the close of business on the previous Saturday, and shall also on each Tuesday morning render a similar statement to the grain and warehouse commission, which statements shall be made under oath by one of the principal owners or operators of said warehouse, or by the book-keeper thereof having personal knowledge of the facts. Every warehouseman shall also be required to furnish daily to said commission a correct statement of the amount of each kind and grade of grain received in store in the warehouse on the previous day; also the amount of each kind and grade of grain delivered or shipped by him during the previous day, and the warehouse receipts that have been cancelled upon which the grain has been delivered on such day, giving the number of each such receipt and the amount and kind of grain and the grade thereof received or shipped

on each; also, how much grain, if any, was so delivered or shipped, and the amount, kind and grade of it, on which warehouse receipts have not been issued; when and how such un-receipted grain was received by them; the aggregate amount of such receipted cancellations and delivery of un-receipted grain corresponding in amount, kind and grade with the amount so reported delivered or shipped; every warehouseman shall also at the same time report what receipts, if any, have been cancelled and new receipts issued in their stead, as herein provided for, and in making such statements he shall in addition furnish such commission such further information regarding receipts issued or cancelled as may be necessary to enable said commission to keep a full and correct record of all receipts issued and cancelled and of all grain received and delivered.

**Secretary of commission; appointment; duties.** SECTION 17.

It is hereby made the duty of said commission to appoint one of their members as secretary, who shall keep the records of said commission and receive the reports in accordance with the provisions of this act.

**Table of rates to be published annually; maximum rates.**

SECTION 18. Every warehouseman coming under the provisions of this act shall during the first week in September of each year publish in one or more of the daily newspapers in the city of Superior a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rate shall not be increased during the year, and such published rates, or any published reduction thereof, shall apply to all grain received in such warehouse from any person or source, and no discriminations as to rates shall be made, either directly or indirectly, by such warehouseman for the storage of grain. The maximum charge for the storing and handling of grain, including the cost of receiving and delivering, shall be for the first fifteen days, or fraction thereof, one-half cent per bushel, and one-half cent additional for every additional thirty days, or fraction thereof, thereafter.

**Warehouseman not to tamper with grain; "special grade" grain; warehouseman not responsible for damage by fire or heating; authority of warehouseman respecting grain out of condition.** SECTION 19. It shall not be lawful for any public warehouseman to mix grain of different grades together, nor



to select different qualities of the same grade for the purpose of storing or delivering the same. Neither shall he attempt to deliver grain of one grade for another, nor in any way tamper with grain while in his possession or custody with a view of securing profit to himself or any other person. The grain and warehouse commission shall have authority under this act, in their discretion, to grade any lot of grain "special grade", upon the request of the owner so to do; and such lot of grain shall only be received into public warehouses within the authority of this act as "special grade" grain, and shall be kept in a bin or bins by itself apart from that of other owners, and said bin or bins shall thereupon be marked and known as "special bins". Any warehouseman may, on the request of the owner of any grain stored in any such special bin, be permitted to mix, dry, clean, or otherwise improve the condition or value of any such lot of grain, provided that such lot of grain has been inspected by authority of the grain and warehouse commission as "special grade". If a warehouse receipt is issued for any such lot of grain, it shall state on its face that it is issued for "special grade" grain, and shall also state the number or numbers of the special bin or bins where the same is stored. Upon the application of the owner of any grain known as "special grade", the grain and warehouse commission may re-inspect the same for the purpose of giving it its proper grade. The warehouseman shall, upon the surrender of the original warehouse receipt issued against such "special grade" grain, cancel said receipt and issue in lieu thereof a new receipt which shall state the grade of the grain so re-inspected, and said warehouseman may then store said grain with other grain of a similar grade. Nothing in this section shall, however, prevent any warehouseman from removing grain while within his warehouse for its preservation or safe keeping. No warehouseman shall be responsible for any loss or damage to grain by fire while in his custody, provided reasonable care and diligence be exercised to protect and preserve the same, nor shall he be held liable for damage to grain by heating, provided it can be shown that he exercised proper care in handling and storing the same, and that such heating was the result of causes beyond his control; and in order that no injustice may result to the holder of grain in any public warehouse of the city of Superior it shall be deemed the duty of such warehouseman to dispose of by delivery or shipping, in the ordinary and legal manner of so delivering, that grain of any particular grade which was first received by them, or which has been for the longest time in store in his warehouse,

and unless public notice has been given by a warehouseman that some portion of the grain stored in his warehouse is out of condition, or becoming so, he shall deliver grain of quality equal to that received by him on all receipts as presented. In case, however, that any warehouseman shall discover that any portion of the grain in his warehouse is out of condition, or becoming so, and it is not in his power to preserve the same, he shall immediately give public notice of its actual condition, as near as he can ascertain, by advertisement in a daily newspaper in the city of Superior, and by posting a notice in the most public place (for such purpose) in such city. Such notice shall state the amount, kind and grade of grain, the bins in which the same is stored, the receipt or receipts outstanding upon which such grain will be delivered, giving the numbers, amounts and dates of each (which receipts shall be those of the oldest dates then in circulation or uncanceled, the grain represented by which has not previously been received for); and the name of the party for whom such grain was stored, the date it was received and the amount thereof. The enumeration of receipts and identification of grain so discredited in said notice shall embrace, as near as may be, as great a quantity of grain as is contained in said bins and such grain shall be delivered upon the return and cancellation of the receipts and the unreceipted grain upon request of the owner or person in charge thereof. Nothing herein contained shall be held to relieve the warehouseman from exercising proper care and diligence in preserving any such grain after such publication of its condition, but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse. In case the grain be declared to be out of condition as herein provided for shall not be removed from store by the owner thereof within two months from the date of the notice of its being out of condition, it shall be lawful for the warehouseman to sell the same at public auction for the account of said owner, by giving ten days' public notice by advertisement in a daily newspaper published in the city of Superior. Any warehouseman guilty of any act or neglect, the effect of which is to depreciate grain stored in any warehouse under his control, shall be held responsible as at common law upon his bond, and in addition thereto his license shall be revoked. Nothing in this section shall be so construed as to permit any warehouseman to deliver any grain stored in a special bin or by itself to any person other than the owner of such lot of grain, whether the same be represented by receipts or otherwise.

**Grain owners' and inspectors' right of inspection; inspection of scales.** SECTION 20. All persons owning grain, or who may be interested in the same in any public warehouse, and all duly authorized inspectors of such grain, shall at all times, during ordinary business hours, be at full liberty to examine any and all grain stored in any public warehouse in the city of Superior, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants, for an examination, and all parts of the public warehouse shall be free for the inspection and examination of any person interested in grain stored therein, or of any authorized inspector of such grain. And all scales used for the weighing of grain in public warehouses shall be subject to examination and test by any duly authorized inspector, weighmaster or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose grain has been, or is to be weighed on such scales. The expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who shall be guilty of continuing to use scales found to be in an imperfect or incorrect condition, by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as herein provided.

**Weighmaster; powers and duties of.** SECTION 21. The weighmaster appointed by the grain and warehouse commission and his deputies, shall supervise and have exclusive control of the weighing of grain received into any mill or received, stored or delivered or shipped from any and all public warehouses in the city of Superior, and also the inspection of scales upon which grain is weighed; and the action or certificates of such weighmaster or his assistants, in the discharge of their duties, shall be conclusive upon all parties, either in interest or otherwise, as to the matters contained in said certificates.

**Fees for weighing grain.** SECTION 22. The grain and warehouse commission shall fix the fees to be paid for the weighing of grain, which fees shall be paid by the warehouseman, and may be added to the charges for storage.

**Weighmaster and assistant; bond; compensation.** SECTION 23. The weighmaster, and each and every assistant shall not be a member of any board of trade or association of like char-

acter. They shall give bonds in the sum of two thousand dollars, conditioned for the faithful discharge of their duties, and shall receive such compensation as the grain and warehouse commission shall determine, not exceeding, however, one hundred dollars per month for weighmaster and seventy-five dollars per month for each assistant.

**Penalty for refusing weighmaster access to scales.** SECTION 24. In case any person, warehouse, or railroad corporation or any of their agents or employes, shall refuse or prevent the weighmaster, or either of his assistants, from having access to their scales in the regular performance of their duties in supervising and weighing of any grain in accordance with the tenor and meaning of this act, they shall forfeit the sum of one hundred dollars for each offense to be recovered in an action by the said grain and warehouse commission, and any and all moneys collected shall be turned into and form a part of its general funds.

**Chief inspector; term of office; bond.** SECTION 25. The chief inspector, appointed as hereinbefore provided, shall hold his office for the term of one year, unless sooner removed by said grain and warehouse commission. He shall, before entering upon the duties of his office, take an oath of office, and shall execute a bond in the penal sum of five thousand dollars with good and sufficient sureties to be approved by said commission, running to said commission and conditioned that he will faithfully and impartially discharge the duties of the office of chief inspector according to law, and the rules and regulations of said grain and warehouse commission, and will pay all damages to any person or persons who may be injured by reason of his neglect or failure to comply with the law or the rules and regulations aforesaid.

**Chief inspector to appoint deputies; bonds of deputies.** SECTION 26. The chief inspector shall appoint, subject to the approval of the grain and warehouse commission, such number of deputy inspectors as may be required, for whose acts the said chief inspector shall be responsible, and his bond shall be considered and held as covering the acts of such deputies. And a like oath shall be taken by each and every deputy and he may be required to give additional bond in the discretion of the grain and warehouse commission. All such deputies shall be subject to removal by the chief inspector at will, and they

shall act in the performance of their duties in his name and under his immediate control and supervision.

**Bonds of inspectors and weighmasters, to whom given.** SECTION 27. All bonds required to be given by the weighmaster and his assistants, by the chief inspector and his deputies, shall be given to the grain and warehouse commission as obligee, and shall be filed and kept by it as a part of its records.

**Rules governing inspection; compensation of inspectors.** SECTION 28. The chief inspector of grain and all deputy inspectors shall be governed in their inspection duties by such rules and regulations as may be provided and promulgated by the grain and warehouse commission, which shall have power to fix the rates of charges for inspection and weighing of grain, and the manner in which the same shall be collected, and which charges shall be regulated in such manner as will in the judgment of said commission, produce sufficient revenue to meet the necessary expenses of the inspection and weighing service. Said grain and warehouse commission shall fix the amount of compensation to be paid to the chief inspector and deputy inspectors, and prescribe the time and manner of payment thereof, provided the compensation so fixed shall not exceed one hundred fifty dollars per month for the chief and one hundred dollars per month for each deputy.

**Inspectors not to be interested in grain business.** SECTION 29. No chief inspector or deputy, shall during his term of service, be interested directly or indirectly, in the handling, storing, shipping, purchasing or selling of grain.

**Removal of inspectors.** SECTION 30. Upon complaint in writing to the grain and warehouse commission, supported by reasonable and satisfactory proof, that the chief inspector or any of his deputies, have violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, said person shall be by said grain and warehouse commission immediately removed from office.

**Penalty for acting as inspector without authority.** SECTION 31. Any person who shall assume to act as an inspector of grain in the city of Superior, who has not first been appointed as provided in this act, or has not made and filed his oath of

office and given bond where such bond is required, shall be held to be an impostor, and shall be punished by a fine of not less than one hundred dollars for each and every attempt to so inspect grain, and if the complaint is made by any member of the grain and warehouse commission, or of any inspector or deputy inspector, one-half of said fine shall go to said grain and warehouse commission, and the remaining half to the school fund, and in case the complaint is made by any other person one-half of said fine shall go to the person so complaining and the remaining half to the school fund; such prosecution to be in the name of the state of Wisconsin, and shall be prosecuted by the district attorney of Douglas county or the attorney general of the state of Wisconsin.

**Fraudulent inspection, penalty for.** SECTION 32. Any duly authorized inspector or deputy inspector of grain, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty, or any improper performance of duty as such inspector of grain, or any person who shall improperly influence any inspector of grain in the performance of his duty as such inspector, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars or more than five hundred dollars, or shall be imprisoned in the county jail not less than thirty days nor more than six months, or both, in the discretion of the court.

**Inspection charges constitute lien.** SECTION 33. The charge for the inspection and weighing of grain under the provisions of this act, shall be and constitute a lien on grain so inspected, or weighed, and whenever such grain is in transit the said charges shall be treated as advanced charges to be paid by the common carrier in whose possession the same is at the time of inspection.

**Decision of inspectors binding.** SECTION 34. The decision of the chief inspector, or of the deputy inspector, as to the grade of grain, shall be final and binding on all parties, unless an appeal is taken from such decision, as hereinafter provided.

**Appeal to commission.** SECTION 35. In case any owner, consignee or shipper of grain, or any warehouse manager, shall be aggrieved by the decision of the chief inspector, or any of his deputies an appeal may be had to the grain and warehouse commission, and a decision of a majority of the members of said commission shall be final and said commission is hereby authorized

to make all necessary rules governing such appeal, provided, however, that the party appealing shall pay to said commission not to exceed the sum of two dollars before any such appeal shall be entertained which sum shall be refunded in case the inspection appealed from is not sustained.

**Owner or consignee may withhold grain from public warehouse.** SECTION 36. In case any owner or consignee of grain shall be dissatisfied with the inspection of any lot of grain, or shall from any cause desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into any public warehouse (whether the property may have been previously assigned to such warehouse or not) by giving notice to the person or corporation in whose possession it may be at the time of giving such notice; and such grain shall be withheld from going into store, and be delivered to him subject only to such proper charges as may be a lien upon it prior to such notice, the grain in railroad cars to be removed therefrom by such owner or consignee within twenty-four hours after such notice has been given to the railroad company having it in possession; provided, such railroad company place the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to receive his grain shall be deemed guilty of conversion, and he shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the proprietor or manager of any warehouse into which it would otherwise have been delivered, and if, after such notice, it be taken into store, in such warehouse, the proprietor or manager of such warehouse shall be liable to the owner of such grain for double its market value.

**Unlawful contract for storage.** SECTION 37. It shall be unlawful for any proprietor, lessee or manager of any public warehouse to enter into any contract, agreement, understanding or combination with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any purpose, contrary to the direction of the owner, his agent or consignee.

**“Superior grades” to be established and published.** SECTION 38. The grain and warehouse commission shall before the 15th day of September in each year, establish a grade for all kinds of grain bought, sold or handled, in the city of Superior, which

shall be known as "Superior Grades", and the grade so established shall be published in some daily newspaper in the city of Superior.

**Standard samples.** SECTION 39. It shall be the duty of the grain and warehouse commission to furnish any elevator or warehouse in the city of Superior standard samples of grain as established by the official inspection made in accordance with the grade established under the next preceding section, when requested so to do by the proprietor, lessee or manager thereof, at the actual cost of such samples.

**Supervision of grain trade in Superior.** SECTION 40. It shall be the duty of the grain and warehouse commission to assume and exercise a constant supervision over the housing and marketing of grain in the city of Superior, the handling, inspection, weighing and storing of same, and the management of the public houses of said city, to at least three times annually verify by measurement the amount of grain shown to be in store in all public warehouses, investigate all complaints of fraud or oppression in the grain trade, and to correct the same so far as it may be in their power.

**Rules and regulations of commission to be published.** SECTION 41. The rules and regulations adopted by said grain and warehouse commission for the weighing and inspection of grain in the city of Superior shall be published in a daily newspaper in said city.

**Maximum fees; fees to whom paid.** SECTION 42. The fees and charges for the weighing and inspection of grain to be fixed by the grain and warehouse commission shall not exceed the sum of fifty cents per car for weighing and one dollar per car for inspection. And upon weighing and inspection on shipment by boat, or otherwise, out of the warehouse, not to exceed fifty cents per thousand bushels for weighing, nor more than one dollar per thousand bushels for inspection; and all fees for such services shall be paid to the treasurer of said commission, to be by him kept, disbursed, and fully accounted for as hereinafter provided.

**Treasurer of commission; appointment, bond, duties.** SECTION 43. It shall be the duty of the grain and warehouse commission to appoint some person treasurer of said commission, and the person so appointed shall make and file with the state treasurer



a bond to the state of Wisconsin in the sum of twenty thousand dollars, conditioned to account for and pay over all moneys coming into his hands, and to keep a just and accurate account of all such moneys according to law, and make report of the same to said state treasurer quarterly, such bond to be approved by the governor of this state; and it shall be lawful for said commission to appoint one of their number to act as such treasurer.

**Expenses of commission, how paid.** SECTION 44. The grain and warehouse commission is hereby authorized to pay out of any and all moneys collected by way of fees and charges for weighing and inspection of grain all expenses incurred by said commission by way of fees or compensation allowed for such weighing and inspection; the expenses of making and publication of rules for the weighing, inspection and grading of grain, the procurement of all bonds to be given by any and all members of said commission, the treasurer thereof, the chief weighmaster and his assistants, the chief inspector and his deputies, and also for all stationery, postage and other incidental expenses necessarily incurred in carrying out the provisions of this act. An accurate account of all such payments shall be kept by the treasurer and reported as above provided.

**Claims against commission, how payable.** SECTION 45. The grain and warehouse commission shall have no authority to incur any debt in the name of or on account of the state of Wisconsin, nor shall it, or its members, be responsible for any indebtedness incurred in carrying out the provisions of this act, but all claims or indebtedness so incurred shall only be payable out of moneys collected for the weighing and inspection of grain and fees provided for upon appeals, and in such other manner as may be provided by said commission in accordance with the provisions of this act.

**Disbursement of moneys; commission to be self-sustaining.** SECTION 46. On the 31st day of July, 1906, and annually thereafter, the treasurer of said grain and warehouse commission shall pay over to the state treasurer any and all moneys received by him over and above the amounts paid for the necessary expenses as hereinbefore provided, and the state treasurer shall credit the amount so paid to the general fund to reimburse the state for the salaries of the commissioners. It being intended in fixing the fees for weighing, inspection and other services performed under this act, they shall be so fixed as to make the work self sustaining,

including the payment of the salaries of the members of said commission; and that any surplus over and above the actual expenses shall go into the state treasury.

**Duties of chief weighmaster.** SECTION 47. The chief weighmaster appointed under this act shall keep a correct record of all grain weighed by him, giving the amount of each weight, the number of the car or cars weighed, if any, and the initial letters of the car, and the place where weighed, with date and contents of the car, and also of all grain weighed in the loading of boats, or vessels and the date and amount thereof, with the name of the boat or vessel, and shall upon the payment of the weighing charges fixed as provided in this act, give under his hand a certificate of the weight of the grain, with the date, amount and kind of grain and where weighed, with the name or initial of the car or boat from or into which the same was weighed, and such certificate shall be admissible in evidence in all actions at law or equity as prima facie evidence of the facts therein contained.

**Duties of chief inspector.** SECTION 48. It shall be the duty of the chief inspector of grain, and of any deputy serving under him, to open the doors of any cars containing grain, upon their arrival at the city of Superior, for the purpose of inspecting the same, to first ascertain the condition of any such car or cars and determine whether any leakage has occurred while said car or cars were in transit; also whether or not the end or side doors are properly secured and sealed, making a record of such facts in all cases and recording the same in a proper book to be kept for the purpose. After such examination shall have been duly made and recorded, and the inspection of such grain has been made, it shall be the duty of the said officials to securely close and reseal such doors as have been opened by them, using a special seal to be provided by said commission, and known as "Wisconsin State Seal". A record of all original seals broken and the time when broken, and also a record of all state seals substituted therefor, and the time when such state seals were substituted, together with a full description of said seals with their numbers, shall be made by said officials

**Railroad companies to furnish police protection.** SECTION 49. It shall be the duty of all railroad companies operating any line of railroad in the city of Superior, to furnish ample

and sufficient police protection at all stations in said city, and in their yards and about their terminal tracks to securely protect all cars containing grain, while the same are in their possession, pending transfer and delivery of the same, and it shall be the duty of such railroad companies to prohibit and restrain all unauthorized persons, whether under the guise of samplers, sweepers, or under any other pretext whatever from entering or loitering in or about their respective railroad yards or tracks and from entering any cars of grain under their control or removing grain therefrom, and shall employ and detail such number of watchmen as may be necessary for the purpose of carrying out the provisions of this section.

**Warehouseman, etc., to protect cars of grain in their possession.** SECTION 50. It shall be the duty of all warehousemen operating or controlling elevators and warehouses in the city of Superior and the duty of all persons, firms or corporations, engaged in the manufacture of flour or other grain products within said city to furnish ample and sufficient protection to all grain in cars which may be in their possession and to properly care for all cars of grain consigned to their respective elevators, warehouses, mills or manufactories after delivery of the same has been made by the railroad companies, and in case of shipment of grain in cars from such elevators, warehouses, mills or manufactories the said persons shall fully protect and care for said cars of grain until delivery of the same has been made to the railroad company.

**Penalty for tampering with seal.** SECTION 51. Any person other than the chief inspector or his deputies, or a regular employe of the railroad company or warehouseman, whose duty it shall be to have charge of said grain or cars, who shall tamper with or break any seals placed upon such cars of grain shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than ninety.

**No grain to be delivered to warehouseman not having license; inspection; inspection charges; penalty for violating law.** SECTION 52. No railway company or common carrier, or any person engaged in the transportation of grain by rail shall deliver to any warehouse or warehouseman required by this act to obtain a license, any car or cars of grain to be unloaded into

or stored in such warehouse until such warehouseman has taken out and obtained a license under the provisions of this act, nor shall any such grain be delivered until the same shall be inspected and graded as provided in this act, and the inspection charges paid. All of the inspection charges shall be added to the transportation charges of the grain, and shall be paid to the railroad company or common carrier by the warehouseman upon delivery of the grain into the warehouse in addition to the payment of the charges for transportation, and in the usual manner. And any railroad, common carrier or other person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon a conviction shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, and shall also be liable to the grain and warehouse commission in damages three times the amount of all inspection charges upon said grain at the maximum rate hereinbefore provided.

**Penalty for violating law.** SECTION 53. Any person who, or corporation which, shall violate any provision of this act or shall fail to perform each and every duty required by any provision hereof, when punishment or penalty shall not otherwise be specifically provided, shall be deemed guilty of a misdemeanor and be subject to a fine of not less than ten dollars nor more than one hundred dollars, and shall also be liable in damages to any and all persons aggrieved thereby for treble the amount of damages suffered.

**Word "grain" includes flax-seed.** SECTION 54. The word "grain" as used in this act, shall be construed to include flax-seed, whether flax is particularly mentioned or not.

**Salary of members of commission.** SECTION 55. The three members of the grain and warehouse commission provided for in this act shall each receive a salary of one hundred dollars per month, payable out of the state treasury monthly after their appointment and qualification, in the same manner as other salaries are paid out of the state treasury; and there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated a sum sufficient to pay the salaries of said commissioners. Provided, however, that no salaries shall be paid nor money expended by the state under the provisions of this act until the state shall have been indemnified and saved harmless from any loss by reason of such expendi-

tures for salaries, either by resolution by the board of supervisors of the county of Douglas so indemnifying the state, in form and substance as directed and approved by the attorney general, or by a surety bond furnished by the board of trade of the city of Superior, in form and substance as directed and approved by the attorney general, conditioned for the indemnifying of the state against such loss, such bond to be approved by the governor of this state; and such salary shall be paid by the state only so long as such resolution shall be continued in force or such bond maintained in force and effect. And the county of Douglas is hereby authorized and empowered to so obligate itself to indemnify and save harmless the state as above provided.

**Commission may furnish service outside of Superior.** SECTION 56. Upon proper application to the grain and warehouse commission of the state of Wisconsin by the owner or manager of any elevator, warehouse or mill located outside of the city of Superior and in this state for terminal inspection and weighing service, said commission is hereby authorized to furnish such service if in its judgment it be expedient and practicable. Provided, however, that such owner or manager shall first enter into an agreement with said commission to pay all cost of such service at such terminal point; and provided further that said commission may make and promulgate special rules and regulations governing such service at such terminal points. And the provisions of this act governing and regulating the weighing and inspection of grain at the city of Superior shall apply, regulate and govern the weighing and inspection of grain at all such points as may hereafter be established as terminal points by said commission in so far as they are applicable.

SECTION 57. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1905.