

CHAPTER 126.

GRAIN AND WAREHOUSE COMMISSION.

126.01	Commission created.	126.40	Supervision by commission .
126.02	Personnel.	126.41	Publishing rules.
126.03	Grain and warehouse commission; appointment; terms.	126.43	Treasurer.
126.04	Oath of office; bond.	126.44	Expenses.
126.05	Duties of commission; weighing, grading, regulations.	126.45	Incapacity.
126.06	Public warehouses.	126.46	Inspection fees to defray expenses.
126.07	Warehouse licenses.	126.47	Inspection record.
126.08	Bond of licensee.	126.48	Certification of grades and analyses; evidence.
126.09	Penalty on default of license.	126.49	Railroad police protection.
126.10	How grain stored; mixing; inspection fees; suit for.	126.50	Protection of grain after carrier delivery.
126.11	Warehouse receipts; numbers.	126.51	Seal breaking.
126.12	Receipts; new receipts.	126.52	No delivery before inspection; inspection fees.
126.13	Liability not limited.	126.53	Penalties.
126.14	Redemption of receipts; defaults.	126.535	Certificate, alteration, punishable.
126.15	Report to commission.	126.54	Flaxseed.
126.16	Weekly and daily statements.	126.55	Salary of commissioners.
126.17	Secretary.	126.56	Minnesota sales void.
126.18	Table of rates to be published annually; maximum rates.	126.57	Locus of sale.
126.19	Warehouseman, duties and liabilities; grades.	126.58	Resumption of sale.
126.20	Inspection; test of scales; penalty.	126.59	Unauthorized weighing; penalty.
126.21	Duty of weighmaster.	126.60	No receipt for grain not graded.
126.22	Fees.	126.61	No delivery until fees paid.
126.23	Weighmaster; assistant; eligibility; bonds.	126.62	Refusal to pay charges by warehouseman; sales.
126.24	Penalty for obstruction.	126.63	Seizure on lien; sale; foreclosure.
126.25	Chief inspector; oath and bond.	126.64	Penalty for sale without inspection; locus of sale.
126.26	Deputy inspectors; oath.	126.65	Sale, storage or delivery, when prohibited.
126.265	Chemist, bond.	126.66	Railroad warehouses.
126.27	Bonds.	126.67	Railroad need not give bond, etc.
126.28	Inspectors; duties; service charges.	126.68	Elevator lessees.
126.29	Disability.	126.69	Setting out cars for inspection; penalty.
126.30	Removals.	126.695	Federal inspected grain excepted.
126.31	Imposture.	126.70	No water or rail shipment until inspection; penalty.
126.32	Neglect; bribery.	126.705	Destruction of useless records.
126.33	Liens.	126.71	Penalty.
126.34	Decisions final.	126.72	Construction.
126.35	Appeals.	126.73	Same.
126.36	Withholding storage; conversion.	126.74	Milwaukee excepted.
126.37	Contracts unlawful.	126.80	Certain receipts issued validated.
126.38	"Superior grades."		
126.39	Samples.		

126.01 Commission created. 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.

126.02 Personnel. 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 any grain dealer, or any stockholder in or official 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. [1931 c. 141]

126.03 Grain and warehouse commission; appointment; terms. The commissioners heretofore appointed under sections 126.01 to 126.55, inclusive, shall hold their offices until the first Monday in February, 1910, and until their successors are appointed and qualified. On or before the first Monday in February, 1910, the governor shall appoint three commissioners; the term of one such appointee shall terminate on the first Monday in February, 1911; the term of the second such appointee shall terminate on the first Monday in February, 1912; and the term of the third such appointee shall terminate on the first Monday in February, 1913. In January, 1911, and annually thereafter there shall be appointed in the same manner one commissioner for the term of three years from the first Monday in February of such year. Each commissioner so appointed shall hold his office until his successor is appointed and qualified.

126.04 Oath of office; bond. 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 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.

126.05 Duties of commission; weighing, grading, regulations. (1) The grain and warehouse commission shall weigh all grain which is milled or received for milling, bought or sold in the city of Superior, and all grain received for storage, stored or shipped, either by boat or railway from any and all public warehouses, as defined by or declared to be such warehouses under the provisions of section 126.06 of the statutes.

(2) Said commission shall inspect and grade all grain grown in this state, and any other grain, upon request, which is milled or received for milling, bought or sold in the city of Superior, and shall inspect and grade all grain received for storage, stored or shipped, either by boat or railway, from any and all warehouses, as defined and declared to be such warehouses under the provisions of section 126.06 of the statutes. Provided, however, that whenever the secretary of agriculture of the United States has established grades or any standards of quality and condition of any grain, seed or other agricultural product under the United States grain standards act, such grades, standards of quality and conditions shall become the grades, standards and quality and conditions of this state.

(3) Said commission is authorized to make analyses, upon request, of any grain or cereal products which may be offered for their inspection. For the purpose of making such analyses, inspection, weighing and grading of grain or cereal products, said commission shall have the power, and it shall be their duty, to appoint a chief inspector and one or more deputy inspectors, weighmaster and one or more deputy weighmasters, a chief chemist and one or more deputy chemists, and to adopt and publish rules and regulations governing inspection, weighing and grading of grain delivered into or shipped out of any 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 sections 126.01 to 126.55, inclusive, of the statutes, including the granting of licenses to elevators and warehouses hereinafter provided for, and the establishment and collection of charges and fees for the analyzing, inspection, weighing and grading of grain.

Note: Grain and warehouse commission or sold in Superior, regardless of whether is authorized by (1) to weigh all grain received in Superior for milling or storage, or milled or stored in Superior, or bought it is kept in public warehouse, and also to weigh grain shipped from public warehouses. 29 Atty. Gen. 111.

126.06 Public warehouses. All elevators and warehouses located in the city of Superior doing business for a compensation, and all elevators and warehouses located in said city in which the grain of different owners is stored in bulk or mixed together, or stored in such manner that the identity of different lots and parcels cannot be accurately preserved, and all elevators and warehouses located in said city which issue warehouse receipts for grain received or stored are hereby declared to be public warehouses. Any elevator or warehouse in any other city in this state doing business for a compensation which is operated in a manner described in this section and which issues warehouse receipts for grain received or stored may, upon request, be declared public warehouses by the grain and warehouse commission and shall thereafter be subject to the provisions of sections 126.01 to 126.73, inclusive, of the statutes.

Note: Company which conducts private warehouse not in Superior may not be declared public warehouse by the grain and warehouse commission because it issued warehouse receipts to itself for convenience in dealing with its parent corporation. 19 Atty. Gen. 544. Phrase "doing business for a compensation" means doing such business as is usually carried on by public warehousemen. Mill which stores only its own grain cannot be compelled to become licensed as public warehouse. 29 Atty. Gen. 111.

126.07 Warehouse licenses. The owner, lessee or manager of any public warehouse as defined by or declared to be such under the provisions of section 126.06 of the statutes, 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 sections 126.01 to 126.55, inclusive, 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 sections 126.01 to 126.55, inclusive, 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.

126.08 Bond of licensee. 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 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.

126.09 Penalty on default of license. Any person who shall transact the business of a public warehouseman 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.

126.10 How grain stored; mixing; inspection fees; suit for. 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 sections 126.01 to 126.55, inclusive, 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 sections 126.01 to 126.55, inclusive. 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 sections 126.01 to 126.55, inclusive, the said commission may sue and be sued in the name of the "Grain and Warehouse Commission for the State of Wisconsin."

126.11 Warehouse receipts; numbers. 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 indorsed 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.

126.12 Receipts; new receipts. Upon delivery of grain from store upon any receipt, such receipt shall have plainly stamped or marked across its face the word "can-

celed," with the name of the person canceling 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 receipt, 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 canceled 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 canceled 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 canceled 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 canceled as herein provided, shall bear the same date as the original receipts as near as may be.

126.13 Liability not limited. No warehouseman operating or running a public warehouse as defined in sections 126.01 to 126.55, inclusive, 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 sections 126.01 to 126.55, inclusive, 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 by whom it is issued, 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 in which such warehouse is located, 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.

126.14 Redemption of receipts; defaults. On the return of any warehouse receipt issued by him properly indorsed, 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 126.13. 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.

126.15 Report to commission. It shall be the duty of every owner, lessee or manager of every public warehouse coming within the provisions of sections 126.01 to 126.55, inclusive, to furnish in writing under oath to the grain and warehouse commission, at such times as said commission may require or demand, the statement concerning the condition and management of his business as such warehouseman.

126.16 Weekly and daily statements. Every warehouseman within the provisions of sections 126.01 to 126.55, inclusive, of the statutes, 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 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 bookkeeper 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 canceled 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 such 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 much unreceipted grain was received by them; the aggregate amount of such receipted cancellations and delivery of unreceipted 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 canceled 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 canceled as may be necessary to enable said commission to keep a full and correct record of all receipts issued and canceled and of all grain received and delivered.

Note: Grain and warehouse commission authority to establish department for purpose has been given broad powers to effectively of registering and canceling warehouse receipts. 22 Atty. Gen. 64.

126.17 Secretary. 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 sections 126.01 to 126.55, inclusive.

126.18 Table of rates to be published annually; maximum rates. (1) Every warehouseman coming under the provisions of sections 126.01 to 126.55, inclusive, shall during the first week in September of each year publish in one or more of the daily newspapers in the city in which his warehouse is located 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.

(2) Provided that if any warehouseman or other person shall deem said charges or either of them unreasonable he may file with the grain and warehouse commission a complaint in writing, stating the reason or ground upon which said charges or either of them are unreasonable, whereupon the commission shall set a time and place for hearing said complaint, which time shall not be later than ten days after the filing of said complaint. Upon said hearing, if the commission shall be of the opinion that the said charges or either of them are unreasonable it may increase or diminish said charges or either of them, such increased or diminished charge to go into effect immediately and remain in effect until increased or diminished upon a like hearing or upon appeal. If the warehouseman or other person making such complaint shall feel aggrieved by the decision of the commission he may appeal therefrom to the circuit court in the same manner and with like effect as appeals are now taken from the disallowance of claims by the county board. The commission shall have the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of books and papers. In case of failure on the part of any person or persons to comply with the order of the commission or any subpoena, or of the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court or the judge thereof, on application of the commission, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein. The commission or any warehouseman or other person making said complaint may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like deposition in civil actions in circuit courts.

126.19 Warehouseman, duties and liabilities; grades. (1) 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 sections 126.01 to 126.55, inclusive, 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 sections 126.01 to 126.55, inclusive, 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 reinspect 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 reinspected, 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 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 in which such warehouse is located, 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 receipted 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 in which such warehouse is located. 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.

(2) Nor shall any warehouseman be required to receive any more "special grade" grain than he can store conveniently having reference to the capacity of his house and the amount of regular grades stored therein.

126.20 Inspection; test of scales; penalty. 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.

126.21 Duty of weighmaster. 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 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.

126.22 Fees. 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.

126.23 Weighmaster; assistant; eligibility; bonds. The weighmaster and each and every assistant shall not be a member of any board of trade or association of like character. They shall give bonds in the sum of two thousand dollars, conditioned for the faithful discharge of their duties.

126.24 Penalty for obstruction. 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 sections 126.01 to 126.55, inclusive, 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 the state treasury.

126.25 Chief inspector; oath and bond. The chief inspector 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.

126.26 Deputy inspectors; oath. 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.

126.265 Chemist, bond. The chief chemist appointed as hereinbefore provided shall, before entering upon the duties of his office, execute a bond in the penal sum of two thousand dollars, with good and sufficient sureties, approved by the commission and running to said commission, and conditioned that he will faithfully and impartially discharge the duties of the office of chief chemist.

126.27 Bonds. 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.

126.28 Inspectors; duties; service charges. 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, 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.

126.29 Disability. 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.

126.30 Removals. 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.

126.31 Imposture. Any person who shall assume to act as an inspector of grain in the city of Superior or in any other city in which a public warehouse is located, who has not first been appointed as provided in sections 126.01 to 126.55, inclusive, 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 the county in which such warehouse is located or the attorney-general of the state of Wisconsin.

126.32 Neglect; bribery. 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.

126.33 Liens. The charge for the inspection and weighing of grain under the provisions of sections 126.01 to 126.55, inclusive, 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.

126.34 Decisions final. 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.

126.35 Appeals. 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.

126.36 Withholding storage; conversion. 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.

126.37 Contracts unlawful. 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.

126.38 "Superior grades." The grain and warehouse commission shall before the fifteenth day of September in each year, establish a grade for all kinds of grain bought, sold or handled, by public warehouses, which shall be known as "Superior Grades," and the grade so established shall be published in some daily newspaper in the city of Superior

and in any other city in which a public warehouse is located; provided, however, that whenever the secretary of agriculture of the United States has established grades, weights and measures, or any standards of quality and condition of any grain, seed and other agriculture products under the United States grain standards act such grades, standards of quality and condition, weights and measures shall become the grades, standard of quality and conditions, weights and measures of this state.

Note: Standards, qualities, grades for grain and warehouse commission as well as grains, seed and other agricultural products set up by secretary of agriculture and adopted by state must be published by state those set up solely by its action. 23 Atty. Gen. 345.

126.39 Samples. It shall be the duty of the grain and warehouse commission to furnish any public warehouse 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.

126.40 Supervision by commission. 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, or in any other city in which a public warehouse is located, the handling, inspection, weighing and storing of same, and the management of the public warehouses and to at least three times annually verify by measurement the amount of grain shown to be in store in all public warehouses, and to investigate all complaints of fraud or oppression in the grain trade, and in the handling and housing of grain in said city, and to correct the same.

126.41 Publishing rules. The rules and regulations adopted by said grain and warehouse commission for the weighing and inspection of grain shall be published in a daily newspaper in the city of Superior and in each city in which a public warehouse is located.

126.43 Treasurer. The grain and warehouse commission shall appoint one of their number 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; said bond to be approved by the governor of this state. All moneys collected or received, by each and every person, for or in behalf of the Wisconsin grain and warehouse commission, shall be by him deposited with or transmitted to the state treasurer. Such deposit shall in every case be made at least once a week, and at the time of the transmission of deposit, a statement showing the amount of such collection, from whom or for what purpose or on what account the same was received, shall be transmitted to the state treasurer. It shall be the duty of the state treasurer to credit the moneys thus received to the appropriation for the said commission.

126.44 Expenses. It shall be the duty of the Wisconsin grain and warehouse commission to file with the secretary of state on the first of each month, a correct and true statement of all expenses incurred by said commission during the preceding month, for the salaries allowed the commissioners by law, and all expenses incurred by said commission, or compensation allowed to appointees and employes 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 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 sections 126.01 to 126.55, inclusive. Said commission is hereby authorized to pay additional compensation for such of its employes as may be required from time to time to work in excess of the regular hours of employment as established by the commission. Said commission may further, from time to time, expend and appropriate out of moneys in the hands of the state treasurer appropriated to said commission over and above its legal obligations, a sum of money not exceeding four thousand dollars annually, for the purpose of promoting in a lawful and legitimate manner, the grain trade or market in Superior or in any other city in which a public warehouse is located. Said report furnished the secretary of state shall contain the names and post-office addresses of all claimants, together with the amount due each; and the secretary of state shall audit said accounts, payable out of the Wisconsin grain and warehouse commission appropriation.

126.45 Incapacity. 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 sections 126.01 to 126.55, inclusive, but all claims or indebtedness so incurred shall only be payable out of moneys collected for the weighing and inspection of grain and fees pro-

vided for upon appeals, and in such other manner as may be provided by said commission in accordance with the provisions of sections 126.01 to 126.55, inclusive.

126.46 Inspection fees to defray expenses. The Wisconsin grain and warehouse commission is hereby empowered to fix rates for the weighing and inspection of grain. It being intended in fixing the fees for weighing, inspection and other services performed under sections 126.01 to 126.55, inclusive, that they shall be so fixed as to make the work self-sustaining, including the salaries of the members of said commission.

126.47 Inspection record. The chief weighmaster appointed under sections 126.01 to 126.55, inclusive, 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 sections 126.01 to 126.55, inclusive, give under his hand and the seal of the state of Wisconsin 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.

126.48 Certification of grades and analyses; evidence. (1) The chief inspector shall give under his hand and the seal of the state of Wisconsin, a certificate of the grade of the grain so inspected, together with the date and kind of grain, with the name and initial of the car or boat from or into which the same was inspected, and such certificate shall be admissible as evidence in all actions of law or equity as prima facie evidence of the facts therein contained.

(2) The chief chemist is authorized to issue certificates under his hand and the seal of the state of Wisconsin, showing in detail the results of his analyses, and shall keep a correct record in detail of all samples of grain and cereal products and the analyses thereof, and such certificate shall be admissible as evidence in all actions of law or equity as prima facie evidence of the facts therein contained.

126.49 Railroad police protection. It shall be the duty of all railroad companies operating any line of railroad in the city of Superior or any other city in which a public warehouse is located, 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.

126.50 Protection of grain after carrier delivery. 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.

126.51 Seal breaking. 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.

126.52 No delivery before inspection; inspection fees. 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 sections 126.01 to 126.55, inclusive, 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 sections 126.01 to 126.55, inclusive, nor shall any such grain be delivered until the same shall be inspected and graded as provided in sections 126.01 to 126.55, inclusive, 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.

126.53 Penalties. Any person who, or corporation which, shall violate any provision of sections 126.01 to 126.55, inclusive, 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.

126.535 Certificate, alteration, punishable. Any person who, or corporation which, shall in any manner alter, change or modify any certificate issued under authority of the grain and warehouse commission shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and shall be liable to the grain and warehouse commission in damages three times the amount incurred by reason of such alterations, changes or modifications.

126.54 Flaxseed. The word "grain" as used in sections 126.01 to 126.55, inclusive, shall be construed to include flaxseed, whether flax is particularly mentioned or not.

126.55 Salary of commissioners. The three members of the grain and warehouse commission, provided for in sections 126.01 to 126.55, inclusive, shall each give his entire time to the performance of the duties of his position, and shall not engage in any other active business; they shall each receive a salary of three hundred dollars per month, out of the funds or fees collected under the provisions of sections 126.01 to 126.55, inclusive.

126.56 Minnesota sales void. All contracts for the sale or purchase of grain upon the basis of grades fixed upon inspection made by any person or persons appointed or employed by or under the railroad and warehouse commission of the state of Minnesota or upon weights fixed or certified by such appointees or employes or by any person in any wise related to or connected with the board of trade of the city of Duluth, where the grain is to be delivered or weighed in Superior shall be void.

126.57 Locus of sale. In all sales and purchases of grain where the same is to be delivered at any elevator, mill, warehouse, or other place in the city of Superior, or where the amount of the purchase price is to be determined by weighing the grain in said city, or where such delivery or weighing either is contemplated or afterwards takes place in said city, such grain shall be deemed to have been bought and sold in said city of Superior within the provisions of this act, and all grain so bought or sold shall be inspected and weighed under the provisions of this act.

126.58 Presumption of sale. All grain delivered from any and all elevators to cars or boats in the city of Superior, shall be presumed to have been delivered upon, or in fulfillment, in whole or in part, of a contract for the sale thereof, and shall subject said grain to weighing and inspection under the provisions of this act at the time of such delivery. But this shall not apply to the use of boats for storage out of the navigation season, provided the grain is afterwards returned to the elevator for inspection and weighing.

126.59 Unauthorized weighing; penalty. No person who is not the chief weighmaster or a deputy weighmaster under the provisions of this chapter shall weigh any grain received into any elevator or mill in the city of Superior or shipped out of such elevator or mill, and any person who shall violate any of the provisions of this section shall be punished by a fine of not less than one hundred dollars for each offense; provided, however, that this section shall not prevent the owner of any grain from, or punish him for, weighing his own grain where such weighing does not in any wise relate to the sale, purchase or delivery or payment for said grain, and is solely for his private use, but the burden of proof in any case to show that such weighing is for such private use shall be upon the defendant.

126.60 No receipt for grain not graded. No person or corporation shall issue any warehouse or elevator receipt for any grain received or stored in any elevator, mill elevator, or mill located in the city of Superior, unless said grain has been inspected and graded under, and pursuant to, this chapter, and any receipt otherwise issued shall be void.

126.61 No delivery until fees paid. No railway company shall deliver to any person, firm or corporation, or to any elevator, warehouse, or mill in the city of Superior, any grain inspected by the grain and warehouse commission for the state of Wisconsin, the chief inspector, or any of his deputies or assistants, until the fees for such inspection are paid as provided in section 126.33, and in case it does so, it shall be liable in damages for three times the amount of the fees so unpaid, to be recovered in an action brought by and in the name of said grain and warehouse commission for the state of Wisconsin.

126.62 Refusal to pay charges by warehouseman; sales. In case any person, corporation, elevator company or mill company to whom grain is consigned, or to whom grain shall be ordered delivered, shall refuse to pay the inspection charges mentioned in the next preceding section, or shall refuse to receive the grain upon which said charges are declared to be a lien, by reason of the railway company insisting upon payment of such charges, said railway company shall immediately notify the consignor or owner of such grain of such refusal, and collect from him such charges, and in case none of the parties mentioned shall promptly pay said charges, said railway company or common carrier may upon one day's notice, oral, or in writing, or by telegram, sell said grain in the open market in the city of Superior, and out of the proceeds of said sale pay all of the expenses, including said inspection fees, weighing charges, and transportation charges, and pay the balance over to the person or persons or corporation entitled thereto.

126.63 Seizure on lien; sale; foreclosure. In addition to the remedies provided in this chapter for the collection of inspection and weighing fees, the grain and warehouse commission for the state of Wisconsin may seize and take possession of any and all grain upon which it has a lien for such charges, and hold possession thereof, or sell the same, or it may take a sufficient amount of grain from each car to cover such charges and the expenses of selling the same, and may sell such grain in the open market in the city of Superior after giving not less than ten days' notice of the time and place of sale, either personally or in the manner provided for sales of personal property upon execution in justice court. Said grain and warehouse commission for the state of Wisconsin may also bring an action to foreclose its lien in the usual manner in a court of equity, in which case if the action is brought while the grain is still in the hands of the railway company or common carrier, it shall not be necessary to make any person or corporation a party to said action other than the railway company, in which case the railway company shall notify the owner of said grain, who may if he desires, and upon his own application, be made a party defendant in said action, and the said grain and warehouse commission may foreclose its lien upon any and all grain or upon any number of carloads of grain in the possession of any railroad company in a single action, and this section shall apply to all liens heretofore acquired, and to any and all actions heretofore or hereafter commenced for the foreclosure thereof.

126.64 Penalty for sale without inspection; locus of sale. No person, firm, or corporation shall sell, or offer for sale in the city of Superior, any grain until the same has been inspected under the supervision of the grain and warehouse commission for the state of Wisconsin, by its chief inspector, his deputy or assistant, or deliver any grain in said city in pursuance of any contract of sale made elsewhere to any person, corporation, elevator, mill, or from any such elevator to cars or boats, until such inspection shall be made, and any person or corporation violating this section, or participating in any such sale or delivery, or by receiving such grain, shall be punished by a fine of not less than one hundred dollars for each offense, or imprisonment not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court. Every sale, offer for sale, or delivery of grain within the meaning of this section, shall be deemed to be made within the city of Superior notwithstanding the contract may be made elsewhere if such grain shall, at the time of making the same, be within the city of Superior, or thereafter delivered in said city. In determining whether there is a delivery in the city of Superior, no delivery to a railway company or common carrier outside of the city of Superior shall be deemed a delivery to the purchaser unless the exact amount of the purchase price has been ascertained and paid. Provided that this section shall not prohibit the making of any executory contract for the delivery of grain if such contract shall provide for the inspection and weighing of the grain under the supervision of the grain and warehouse commission for the state of Wisconsin.

126.65 Sale, storage or delivery, when prohibited. No person or corporation shall offer for sale or sell or deliver any grain in the city of Superior, or receive or store grain in any elevator or warehouse in said city, or deliver the same from any such elevator or warehouse under or upon any inspection or grading made or fixed by any appointee or employe of the railroad and warehouse commission of the state of Minnesota, or upon weights given or certified by any such appointee or employe, or upon any other inspection, grading or weighing, than provided in this chapter, and any person violating this section shall be guilty of a misdemeanor and punished as provided in section 126.53 of said chapter.

126.66 Railroad warehouses. Every elevator or warehouse located in the city of Superior owned or held by any railway company, either in its own name or in the name of any other person, persons or corporation, for its use, is hereby declared and shall be deemed to be a public warehouse within the meaning of this act so far as to require the railway company owning or holding the same, or any lessee thereof, to receive and store, without discrimination, and subject only to the charges provided in this chapter, of all

grain carried over the line of such railway company whether by said company directly or by any other railway company operating its line whether as lessee or otherwise, and delivered at Superior.

126.67 Railroad need not give bond, etc. If any such elevator or warehouse shall be operated directly by the railway company owning or holding the same, such company shall not be obliged to give bonds or take out license, but it shall within sixty days make and file with the grain and warehouse commission a written declaration stating its purpose to operate said elevator or warehouse pursuant to the laws of Wisconsin and the period for which it will so operate the same, or in case it has heretofore or shall hereafter lease said warehouse or elevator, then it shall make and file a like written declaration stating to whom and for what period said elevator or warehouse has been leased, with a copy of such lease.

126.68 Elevator lessees. In case any person, firm or corporation has heretofore leased, or shall hereafter lease, or become the lessee or occupant in any manner whatsoever of any elevator or warehouse located in the city of Superior belonging to any railway company, said lessee or occupant shall immediately upon the passage of this act, or upon the commencement of his leasehold term, if created subsequently to the passage hereof, become a public warehouseman and subject to all of the provisions of this chapter except so far that if unable to furnish storage for all persons applying for the same, he shall give preference to the storage of all grain received in Superior over the line of the railroad company owning said elevator or warehouse.

126.69 Setting out cars for inspection; penalty. Every railway company transporting grain into the city of Superior shall, before delivering the same to the consignee, or any other person or corporation, or setting the same in upon any track leading to any elevator, warehouse or mill, and before delivering the same to any terminal company or any other carrier, set out all such grain upon some one or more of the tracks in its yard convenient for the chief inspector of the grain and warehouse commission for the state of Wisconsin, his deputies and assistants, to inspect the same, and shall set out and separate the cars of grain destined to be delivered in Superior from any passing through in transit, and shall furnish said chief inspector a list with initials and numbers of cars, names of consignor and consignee, from where shipped, and where and to whom to be delivered, and shall furnish full and sufficient opportunity for such inspection of any and all grain delivered in Superior before such delivery whether to be delivered upon the original consignment or upon disposition subsequently given, and any railway company which shall violate any or fail to fully comply with all the provisions of this section shall forfeit the sum of one hundred dollars for each carload of grain, to be recovered in an action brought in the name of the grain and warehouse commission for the state of Wisconsin.

126.695 Federal inspected grain excepted. Notwithstanding anything to the contrary in this chapter the requirements thereof relating to inspection of grain, except grain shipped or delivered from warehouses subject to this chapter and except grain grown in this state shall, as to all persons, firms or corporations of whom such requirements are made, be deemed fulfilled if the grain involved in such requirements is inspected, either within or without this state, by an inspector licensed under the United States grain standards act; and all warehouse receipts issued for, and all contracts for the sale or purchase of such grain, shall be valid if the grain covered by or under such warehouse receipts or contracts has been so inspected. [1939 c. 89]

126.70 No water or rail shipment until inspection; penalty. No person or corporation shall deliver any grain from any elevator or warehouse in the city of Superior to any boat or car until the grain has been inspected, graded and weighed under the supervision of the grain and warehouse commission of the state of Wisconsin, and the fees for such inspection, grading and weighing paid on demand contemporaneously with such delivery, and any person or corporation violating this section by making such delivery or participating therein or in receiving such grain shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

126.705 Destruction of useless records. Whenever it shall be found necessary to destroy useless documents in order to secure vault space for other and more permanent records, the commission may destroy or dispose of any cards or yard books and any other temporary records which are over ten years old.

126.71 Penalty. Any person who shall resist or interfere with the chief inspector, or any of his deputies or assistants, or the weighmaster, or any of his deputies or assistants, while engaged in the lawful performance of his duty shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment in the discretion of the court.

126.72 Construction. A liberal construction shall be given to all of the provisions of this chapter to the end that an honest inspection, grading and weighing of grain between

any and all sellers and purchasers thereof in the market at Superior, and of all grain received, stored or delivered to or by any elevator in said city, and to prevent fraud therein.

126.73 Same. In the passage of this chapter, it is hereby declared to be the intention of the legislature that each section thereof is enacted independent of every other section thereof and not as compensation for or an inducement to the passage of any other section.

126.74 Milwaukee excepted. The provisions of sections 126.01 to 126.55, inclusive, of the statutes shall not be construed to apply to any city of the first class.

126.80 Certain receipts issued validated. The requirements of this chapter relating to inspection of grain, except as to grain shipped or delivered from warehouses subject to this chapter, and except grain grown in this state shall, as to all warehouse receipts issued or outstanding or issued and outstanding, prior to the effective date of this section, be deemed to have been fulfilled, and such warehouse receipts are hereby validated, if the grain covered by or under such warehouse receipts was inspected, either within or without this state, on or prior to the issuance of any such warehouse receipt by an inspector licensed under the United States grain standards act. [1939 c. 88]

127.01 [Repealed by 1937 c. 358]