

however, that persons shall vote in the precincts where they reside and not elsewhere, *provided*, this act shall not be held to deprive any person of the right to vote who is now entitled thereto under the laws of this Territory.

§ 3. REPEAL.] All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. EFFECT—WHEN.] This act shall be in force immediately after its passage and approval.

Approved, March 1st, 1889.

ELEVATORS AND WAREHOUSES.

CHAPTER 62.

RECEIPTS, EVIDENCE OF BAILMENT AND NOT SALE.

AN ACT Relating to Elevator and Warehouse Receipts for Grain Stored; to Protect Owners of Such Receipts, and Defining the Duties, Liabilities and Obligations of Persons Issuing the Same as to Delivery of Grain Thereupon.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. RECEIPTS, EVIDENCE OF BAILMENT.] Whenever any grain shall be delivered to any person, association, firm or corporation, doing a grain warehouse, or grain elevator business in this Territory, and receipts issued therefor, providing for a delivery of a like kind, amount and grade to the holder thereof in return, such delivery shall be a bailment and not a sale of the grain so delivered, and in no case shall grain so stored, be liable to seizure, upon process of any court in actions against such bailee, except actions by owners or holders of such warehouse receipts to enforce the terms of the same; but such grain shall at any and all times, in the event of the failure or insolvency of such bailee be first applied exclusively to the redemption of outstanding warehouse receipts for grain so stored with such bailee. And in such event, grain on hand in any particular elevator or warehouse, shall first be applied to the redemption and satisfaction of receipts issued from such warehouse.

§ 2. ELEVATORS CANNOT DENY.] No person, association, firm or corporation, doing a grain warehouse or grain elevator business in

this Territory, having issued a receipt for the storage of grain, as in section one, of this act provided, shall thereafter be permitted to deny that the grain represented thereby is the property of the person to whom such receipt was issued, or his assigns thereof, and such receipt shall be deemed and held, so far as the duties, liabilities and obligations of such bailee are concerned, conclusive evidence of the fact that the party to whom the same was issued or his assigns thereof, is the owner of such grain, and is the person entitled to make surrender of such receipt, and receive the grain thereby promised to be delivered.

§ 3. LARCENY.] Every person, and every member of any association, firm or corporation, doing a grain warehouse or grain elevator business in this Territory, who shall, after demand, tender, and offer, as provided in section nine, of chapter one hundred and thirty of the laws of this Territory, for the year 1887, wilfully neglect or refuse to deliver as provided by said section nine, to the person making such demand, the full amount of grain of the kind and grade which such person is entitled to demand of such bailee, shall be deemed guilty of larceny and shall on conviction thereof, be punished by a fine or imprisonment, or both as is prescribed by law for the punishment of larceny.

§ 4. EFFECT WHEN.] This act shall take effect and be in force from and after its passage.

Approved March 8, 1889.

GOVERNOR'S MESSAGE.

CHAPTER 63.

PRINTING ORDERED.

RESOLVED by the Council and House of Representatives of the Legislative Assembly of Dakota:

That there be printed, for distribution by the members of this legislative assembly, 1,500 copies of the Governor's Message. 400 copies to be furnished the Council; 600 copies to the House of Representatives and 500 copies for the executive office.

The expense of such printing, is hereby appropriated from the Territorial Treasury.

Approved, January 21, 1889.