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## RAILROAD COMMISSIONERS

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### CHAPTER 236.

[S. B. No. 358—Plain and Duncan.]

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#### UNIFORM ACCOUNTING.

AN ACT for an Act to Require the Railroad Commission to Formulate a Uniform System of Accounting for Public Elevators and Warehouses and to Provide for the Examination of the Accounts of Such Elevators and Warehouses When Requested by Not Less Than 15 Per Cent of the Stockholders Thereof, and Prescribing Fees Therefor, and Amending Chapter 251 of the Session Laws of 1911, Relating to the Filing of Bonds by Public Warehouses.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. RAILROAD COMMISSION TO FORMULATE A SYSTEM OF UNIFORM ACCOUNTING.] It shall be the duty of the railroad commission of this state to plan and formulate a uniform system of accounting for public elevators and warehouses defined in Section 2244 of the Revised Codes for 1905. To formulate such system of accounting the commission may employ one or more expert accountants, who shall receive a compensation for their services to be determined by the commission. When a uniform system of accounting has been formulated, as herein provided for, the railroad commission shall recommend the adoption of such system of accounting to every firm, association, co-partnership or corporation conducting a public elevator or warehouse in this state, as defined in Section 2244 of the Revised Codes for 1905.

§ 2. EXAMINATION.] The railroad commission may and whenever requested by not less than 15 per cent of the stockholders of any association, co-partnership, firm or corporation conducting such public elevator or warehouse, the railroad commission shall install such uniform system of accounting, and on request of the percentage of stock holders as before required shall send a competent examiner to examine the books and financial accounts of such elevator or warehouse. Whenever a request for the examination of the financial accounts of any association, co-partnership, firm or corporation has been made to the railroad commission, as provided herein, an examination shall thereafter be made at least once every year until the board of railroad commissioners shall be requested to discontinue such examination

by resolution adopted by the stockholders at any annual meeting. When such examination has been made the examiner shall immediately report the result thereof to the president and secretary of such association, co-partnership, firm or corporation and to the railroad commission.

§ 3. CERTIFICATE.] If the board of railroad commissioners is satisfied from such examination that such person, association, co-partnership, or corporation is solvent and its method of doing business is such as is likely to be beneficial to all of its members or persons interested therein the board shall issue a certificate, countersigned by the examiner, to the agent or manager, which certificate shall be kept posted conspicuously in the warehouse or elevator of such person, association, co-partnership, or corporation stating that said methods of doing business are sound and that such person, association, co-partnership, or corporation is solvent, and that its books and accounts are properly kept. If the affairs and methods of doing business of such person, association, co-partnership, or corporation shall not seem sound or satisfactory to the board of railroad commissioners the board shall issue a certificate or statement, countersigned by the person who made the examination, stating in what particular and in what respects the business methods practiced or methods of keeping books and accounts of such person, association, co-partnership or corporation are not deemed safe. The said board shall mail a copy of said statement or certificate to each of such shareholders or stockholders as may have requested said board to make such examination. The board shall also send a copy thereof to the president and secretary of such association, co-partnership or corporation.

§ 4. PENALTY FOR INTERFERING WITH EXAMINER.] Any person who interferes with such examination (examiner) in the performance of his duty shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

§ 5. FEES.] For making such installation and examination such firm, association, co-partnership or corporation shall pay this examiner a fee of five dollars (\$5) per day for each day, or fraction thereof, that the examiner is absent from the capitol for the purpose of making such examination, plus his actual travelling and hotel expenses, together with the actual cost of such books and blanks as may be necessary for the installation of a complete system of uniform accounting; such fees shall be paid into the state

treasury and used for the purpose of paying the expenses incurred under the provisions of this Act. Such expenses shall be audited and paid in the same manner as other expenses are audited and paid.

§ 6. AMENDMENT.] That Chapter 251 of the Session Laws of 1911 be amended to read as follows:

§ 2247. BOND TO BE FILED.] The proprietor, lessee, or manager of any public warehouse, elevator or flour mill, or any individual buying or shipping grain for profit in this state, and who does not pay cash in advance for the grain so bought shall file with the commissioner of railroads a bond to the state with good and sufficient sureties to be approved by such commissioners in the penal sum of not less than five thousand nor more than seventy-five thousand dollars, in the discretion of the commissioners conditioned for the faithful performance of their duties as public warehousemen, and the compliance with all the laws of this state in relation thereto. One bond only need be given for any line of elevators, mills or warehouses owned, controlled or operated by one individual, firm or corporation. Such bond, specifying the location of each elevator, mill or warehouse operated by such individual, firm or corporation, shall be in sufficient amount to protect the holders of outstanding tickets.

§ 7. EMERGENCY.] An emergency is hereby declared to exist in this, that there is now no provision made for the examination of the accounts of public warehouses in this state, and this Act shall take effect immediately after its passage and approval.

Approved March 13, 1913.

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## CHAPTER 237.

[S. B. No. 207—Kretschmar.]

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### LICENSING RAILROAD TICKET AGENTS.

AN ACT to Amend Section 4309, Article 6, Chapter 12, of the Revised Codes of North Dakota for 1905, Relating to the Licensing of Railroad and Steamboat Ticket Agents.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 4309 of the Revised Codes of 1905, is hereby amended and re-enacted so as to read as follows:

§ 4309. AGENTS TO OBTAIN STATE LICENSE. FEE.] It shall be the duty of the owners of any railroad or steamboat for

transportation of passengers, to provide each agent who may be authorized to sell within the state tickets or other evidence thereof entitling the holder thereof to travel upon his or their railroad or steamboat, with certificate setting forth the authority of such agent to make such sales, which certificate shall be duly attested by the corporate seal of any corporate owner of such railroad or steamboat, and shall for the information of travelers be kept in a conspicuous place in the office of such agent. After issue of such certificate as aforesaid, such agent or a superintendent or general officer of such owners shall within ten days thereafter exhibit the same to the Board of Railroad Commissioners of the State of North Dakota, and at the same time shall pay to said Board of Railroad Commissioners a license fee of five dollars, which fee shall be turned over to the State Treasurer monthly, whereupon said Board of Railroad Commissioners shall issue to such agents so presenting said certificate a license under the seal of the Board of Railroad Commissioners of the State of North Dakota, authorizing such agent to engage in the business of selling transportation tickets of said common carrier, and said license so issued to such agent by said Board of Railroad Commissioners shall also be kept posted in a conspicuous place in the office of such agent, for the information of travelers and of the public. Whenever any agent so authorized as aforesaid shall by death, resignation or otherwise cease to be such agent, his successor, appointed by the railroad or steamboat company, or the owner or owners thereof, shall be authorized to sell tickets for said company and act as the agent thereof under the provisions of this article.

Approved March 1, 1913.

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## CHAPTER 238.

[S. B. No. 36—Loftsgaard.]

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### DUTIES OF COMMON CARRIERS.

AN ACT to Amend Section 4331 of the Revised Codes of North Dakota of 1905, Relating to the Operation of Railroads in This State, Receiving and Transporting Passengers and Property.

Whereas, Section 2261 of the Revised Codes of North Dakota of 1905 confers upon the commissioners of railroads the right to require railroad companies to construct and maintain a side track for the use of

shippers between regular stations, where such stations are ten miles or more apart; and,  
Whereas, The last clause of Section 4331 of the Revised Codes of North Dakota of 1905 is in apparent conflict with said Section 2261; now, therefore,

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 4331 of the Revised Codes of North Dakota of the year 1905 be, and the same is hereby amended to read as follows:

§ 4331. SHALL FURNISH, START AND RUN CARS WITHOUT DELAY.] Every common carrier operating a railway in this state shall without unreasonable delay furnish, start and run cars for the transportation of persons and property, which within a reasonable time theretofore is offered for transportation at any of its stations on its line of road and at the junctions of other railroads and at such stopping places as may be established for receiving and discharging passengers and freights; and shall take, receive, transport and discharge such passengers and property at, from and to such stations, junctions and places on and from all trains advertised to stop at the same for passengers and freight respectively, upon the due payment or tender of payment of tolls, freight or fare therefor, if such payment is demanded.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act, except Section 2261 of said Revised Codes, are hereby expressly repealed.

§ 3. EMERGENCY CLAUSE.] Whereas, an emergency exists in this, that by reason of such apparent conflict between sections above mentioned, uncertainty exists as to the rights of shippers, railroad companies, and the board of railroad commissioners, with reference thereto, this act is to take effect and be in force from and after the date of its passage and approval.

Approved February 19, 1913.

## CHAPTER 239.

[S. B. No. 212—Englund.]

### STORAGE COMPANIES.

AN ACT to Amend and Re-enact Sections 2262, 2263 and 2264, Article 47, Chapter 24, of the Revised Codes of 1905, Relating to the Licensing and Bonding of Storage Companies.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Sections 2262, 2263 and 2264, Article 47, Chapter 24 of the Revised Codes of 1905, are hereby

amended and re-enacted to read as follows:

§ 2262. LICENSE KEEPERS OF PUBLIC WAREHOUSES.] The board of railroad commissioners may license any suitable person, persons, or corporations established under the laws of this state, and having their place or places of business within this state, to carry on business of public storage companies or public warehousemen, who may keep and maintain public warehouses for the storage of goods, wares and merchandise, etc., excepting grain in bulk. Said license may be obtained upon the payment annually into the treasury of the state of the sum of ten dollars, to be credited to the general fund of the state.

§ 2263. BONDS.] Each person or corporation licensed under Section 2262 shall give a bond to the Treasurer of the State, in the penal sum of five thousand dollars, with good and sufficient sureties to be approved by the board of railroad commissioners, for the faithful discharge of the duties of a public warehouseman.

§ 2264. SUBJECT TO ACTION IN NAME OF STATE.] When any one licensed to do business as a public storage company or as a public warehouseman fails to perform his duty, or violates any of the provisions of this Article, any person, persons or corporation injured by such failure or violation may, with the consent of the board of railroad commissioners and the Attorney General, bring an action in the name of the state, but to his or their own use, in any court of competent jurisdiction, on the bond of such company or warehouseman. In such action the person, persons or corporation in whose behalf the action is brought shall file with the court as satisfactory bond for costs, and the state shall not be liable for any costs.

Approved March 12, 1913.

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## CHAPTER 240.

[S. B. No. 213—Englund.]

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### COMMISSION MERCHANTS.

AN ACT to Amend and Re-enact Sections 2198, 2200, 2201 and 2202, Article 41, Chapter 24, of the Revised Codes of 1905, Relating to the Bonding and Licensing of Commission Merchants.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Sections 2198, 2200, 2201 and 2202, Article 41, Chapter 24 of the Revised Codes of 1905, are hereby amended and re-enacted to read as follows:

§ 2198. LICENSE, HOW OBTAINED. BOND REQUIRED.] To obtain such license, a statement must be filed in the office of the board or railroad commissioners, giving the name of the person, firm or corporation making application therefor, and the place at which said person, firm or corporation has its headquarters or principal place of business and postoffice address. There must also be filed and deposited in the office of the board of railroad commissioners, subject to the board's approval, a good and sufficient bond in a penal sum of not less than twenty thousand dollars nominally payable to the State of North Dakota, executed by the applicant and at least two sureties or a surety company having the qualification of a fidelity insurance company authorized to do business as such in this state, and containing a condition to the effect that the person, firm or corporation named as principal therein shall well and truly pay and discharge any and all liability which said principal shall incur to consignors within this state, in or account of any disposition that shall be made of any and all grain, creamery or dairy products, or the proceeds thereof, or of either, received by such principal wherever the same shall be received.

§ 2200. APPROVAL OF BONDS. CERTIFICATE ISSUED. REVOKED, HOW.] When the requirements of Section 2199 are complied with and the board of railroad commissioners finds the bond and the surety thereon sufficient, it shall approve the same and issue to the applicant a certificate to the effect that, having complied with the law, such applicant is duly authorized by agent or otherwise, to procure and receive consignments of grain and creamery products from owners and shippers in this state, to be sold or disposed of for the consignor in the usual course of trade. Such certificate shall continue in force until revoked by the board of railroad commissioners, or the surety on said bonds has given notice of withdrawal therefrom or become insufficient, and no new surety with the requisite qualifications has been substituted, or for other sufficient cause.

§ 2201. FEES COLLECTED.] For the examining and approving such bond and issuing a certificate as hereinbefore provided, the board of railroad commissioners shall charge and collect from the applicant a fee of five dollars, and for each duplicate or copy of such certificate a further fee of fifty cents, which fee shall be immediately paid into the general fund of the state treasury, and whenever process is served on the board of railroad commissioners in any action or proceeding, as provided in Section 2202, the board of railroad commissioners shall, as a con-

dition of valid and effectual service, require the payment of a fee of two dollars and pay the same into the state treasury. The said board shall also keep a record of such process showing the time and hour of service, and forthwith mail a copy of the same, postage paid and directed to the postoffice address of the defendant, and thereupon the service shall be deemed sufficient.

§ 2202. ACTION FOR BREACH OF CONDITION.] Every bond given as hereinbefore provided shall continue and remain in force until the principal or surety thereon gives notice to the contrary in writing to the board of railroad commissioners, and for thirty days thereafter, but such notice shall not affect any liability incurred by the principal for, or on account of consignments received or forwarded in this state before the expiration of said time. Successive actions may be brought on such bonds for a breach of the condition thereof by the person injured thereby, until the entire amount of the penalty is exhausted.

Approved March 15, 1913.