

# WAREHOUSES.

## CHAPTER 126.

[H. B. No. 212.]

### REGULATING GRAIN WAREHOUSES, AND WEIGHING AND HANDLING OF GRAIN, ETC.

AN ACT to Regulate Grain Warehouses and the Weighing and Handling of Grain, and Defining the Duties of the Railroad Commissioners in Relation Thereto.

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

§ 1. POWERS.] That the duties imposed by the provisions of this act and the powers conferred therein devolve upon the Board of Railroad Commissioners.

§ 2. TO SUPERVISE THE HANDLING, WEIGHING AND STORAGE OF GRAIN.] That it shall be the duty of the Railroad Commissioners of the State of North Dakota to supervise the handling, weighing and storage of grain and seeds; to establish all necessary rules and regulations for the weighing of grain and for the management of the public warehouses of the State, as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law in this State in regard to same; to investigate all complaints of fraud or oppression in the grain trade of this State, and correct the same as far as it may be in their power.

§ 3. PRINTING AND PUBLISHING RULES.] The rules and regulations so established shall be printed and published by said Railroad Commissioners in such manner as to give the greatest publicity thereto and the same shall be in force and effect until they shall have been changed or abrogated by said Commissioners in a like public manner.

§ 4. PUBLIC WAREHOUSES DEFINED.] All buildings, elevators or warehouses in this State, erected and operated or which may hereafter be erected and operated by any person or persons, association, co-partnership, corporation or trust for the purpose of buying, selling, storing, shipping or handling grain for profit, are hereby declared public warehouses, and the person or persons, association, co-partnership or trust owning or operating said building or buildings, elevator or elevators, warehouse or warehouses which are now or may hereafter be located or doing business within this State, as above described whether said owners or ope-

rators reside within this State or not are public warehousemen within the meaning of this act and none of the provisions of this act shall be construed so as to permit discrimination with reference to the buying, receiving and handling of grain of standard grades, or in regard to parties offering such grain for sale, storage or handling at such public warehouses, while the same are in operation.

§ 5. BOND.] That the proprietor, lessee or manager of any public warehouse or elevator in this State shall file with the Railroad Commissioners of the State a bond to the State of North Dakota, with good and sufficient sureties, to be approved by said Commissioners of Railroads in the penal sum of not less than \$5,000 nor more than \$75,000, in the discretion of said Commissioners, conditioned for the faithful performance of duty as public warehousemen and a compliance with all the laws of this State in relation thereto. One bond only need be given for any line or lines of elevators or warehouses owned, controlled or operated by one individual, firm, corporation or trust; said bond specifying the location of each elevator or warehouse operated by said individual, firm, corporation or trust and be in sufficient amount, at the discretion of the Commissioners aforesaid, to protect holders of outstanding tickets.

§ 6. WAREHOUSE RECEIPTS, WHAT TO CONTAIN.] All owners of such elevators and warehouses shall, upon the request of any person delivering grain at such warehouse, give a warehouse receipt therefor, subject to the owner or consignee, which receipt shall bear date corresponding with the receipt of the grain, and shall state upon its face the quantity and grade fixed upon the same. All warehouse receipts issued for grain received shall be consecutively numbered, and no two receipts bearing the same number and series shall be issued during the same year. No warehouse receipt shall be issued except upon actual delivery of grain into such warehouse. No such warehouseman shall insert in any warehouse receipt issued by him any language in anywise limiting or modifying his liability as imposed by the laws of this State.

§ 7. WHAT STORAGE RECEIPTS SHALL EXPRESS.] Any storage receipt issued within the boundaries of this State shall provide by express agreement that at the option of the original holder of such receipt the kind, quality and quantity of grain for which such receipt was issued shall be delivered back to him at the same place where it was received, upon the payment of a reasonable charge per bushel for receiving, handling, storing and insurance charges, such charges to be fixed by express terms in the storage receipt at the time of receiving the grain at the elevator or warehouse, and at the time of issuing the receipt; *Provided*, That no charges shall be made for cleaning grain unless such grain has been actually cleaned; *Provided, further*, Nothing in this section shall be construed to mean the delivery of the identical grain specified

in the receipt so presented; but an equal amount of the same grade, excepting in case of wheat placed in special bin.

§ 8. BAILMENT NOT A SALE — INSOLVENCY.] Whenever any grain shall be delivered to any person, association, firm, corporation or trust, doing a grain, warehouse or grain elevator business in this State, and the receipts issued therefor, providing for the delivery of a like 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 the grain so stored be liable to seizure upon process of any court in action against such bailee, except actions by owners 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.

§ 9. LARCENY—PUNISHMENT.] Every person and every member of any association, firm, trust or corporation doing a grain, warehouse or grain elevator business in this State, who shall after demand, tender and offer as provided in Section 8 of this act, willfully neglect or refuse to deliver, as provided by said Section 8, to the person making such demand, the full amount of grain or the grade or market value thereof 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 for larceny.

§ 10. ATTORNEY GENERAL—STATES ATTORNEY.] The Attorney General of the State shall be *ex-officio* attorney for the Railroad Commissioners and shall give them such counsel and advice as they may from time to time require, and he shall institute and prosecute any and all suits which said Railroad Commissioners may deem expedient and proper to institute, and he shall render to such Railroad Commissioners all counsel, advice and assistance necessary to carry out the provisions of this act or any law which said Commissioners are required to enforce according to the true intent and meaning thereof. In all criminal prosecutions against a warehouseman for a violation of any of the provisions of this act, it shall be the duty of the states attorney of the county in which such prosecution is brought to prosecute the same to a final issue.

§ 11. RATES TO BE ESTABLISHED AND MAINTAINED.] The charges for storage and hauling [handling] grain shall not be greater than the following schedule: For receiving, elevating, insuring, delivering and twenty days' storage, two (2) cents per bushel. Storage rates after the first twenty days, one-half ( $\frac{1}{2}$ ) cent for each fifteen days or fraction thereof, and shall not exceed

five (5) cents for six months. The grain shall be kept insured at the expense of the warehousemen for the benefit of the owner.

§ 12. PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.] That any person, association, firm, trust or corporation, or any representative thereof, who shall knowingly cheat or falsely weigh any wheat or other agricultural products, or who shall violate the provisions of any section of this act, or shall do or perform any act or thing therein forbidden, or who shall fail to do and keep the requirements as herein provided, shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be subjected to a fine not less than two hundred (200) dollars nor more than \$1,000, and be liable in addition thereto to imprisonment for not more than one year in the State Penitentiary, at the discretion of the court.

§ 13. REPEAL.] Chapter 130, passed by the Seventeenth Legislative Assembly of the Territory of Dakota, approved March . . . ., 1887, and Chapter 187 and Chapter 138 of the Laws of 1890 and Chapter 62, passed by the Eighteenth Legislative Assembly of the Territory of Dakota, approved March 8, 1889, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 14. EMERGENCY.] That, whereas, an emergency exists in that there is at present no code of intelligible warehouse laws upon the statute books of North Dakota, therefore this law shall be in force and effect from and after its passage and approval.

Approved March 7, 1891.

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## WOOL MARKET.

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### CHAPTER 127.

[H. B. No. 9.]

#### PROVIDING FACILITIES FOR MARKETING AND SHIPMENT OF WOOL.

##### AN ACT to Provide Facilities for Marketing Wool.

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

§ 1. MARKET, HOW ESTABLISHED.] If any city, town or village of this State shall in any year provide a building or buildings wherein not less than 100,000 pounds of wool may be stored free of charge from June 15th to August 31st, both in-