
COMMISSION MERCHANTS.

CHAPTER 54.

[S. B. 154.]

LICENSE REQUIRED IN CERTAIN CASES.

AN ACT to License Commission Merchants and Other Factors.

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

§ 1. LICENSE.] It shall be unlawful for any commission merchant or other factors to receive any wheat, flax or other grain in this State to be sold for other persons, or to have any agent or correspondent in this State receiving or soliciting any consignment or deposit of grain to be sold or forwarded for sale here or elsewhere without being licensed and authorized so to do as hereinafter prescribed.

§ 2. HOW OBTAINED.] To obtain such license a statement must be filed in the office of the Secretary of State, 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 Secretary of State, subject to his approval, a good and sufficient bond in a penal sum not less than ten thousand dollars, nominally payable to the State of North Dakota, executed by the applicant and at least one surety having the qualifications 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 on account of any disposition that shall be made of any and all grain or the proceeds thereof received by such principal wherever the same shall be received.

§ 3. BOND.] The applicant for such permit must also, by a duly executed instrument filed with such bond, constitute and appoint the Secretary of State and his successors the true and lawful agent and attorney upon whom process may be served in any action or proceeding against such applicant, and agree therein that any process served on said attorney shall have the same force and validity as if served on said applicant personally in this State, and that such appointment shall continue in force irrevocable so long as an action may be maintained on the bond therewith given.

§ 4. CERTIFICATE.] When the requirements of the preceding section are complied with, and the Secretary of the State finds the bond and the surety thereon sufficient, he 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 from owners and shippers in this State to be sold or disposed of for the consignors in the usual course of trade. Such certificate shall continue in force until revoked by the Secretary of State because 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.

§ 5. FEE COLLECTED.] For examining and approving such bond and issuing a certificate as hereinbefore provided the Secretary of State 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 Secretary of State in any action or proceeding as provided in section 6 of this act, he shall as a condition of valid and effectual service require the payment of a fee of two dollars, and pay the same into the State Treasury. He 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.

§ 6. 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 Secretary of State 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 persons injured thereby, until the entire amount of the penalty is exhausted.

§ 7. MISDEMEANOR.] Every person who shall solicit or procure within this State any consignment or deposit of wheat, flax or other grain to be sold or consigned for sale or otherwise disposed of for the benefit of the consignor or depositor, without having license and authority so to do as hereinbefore provided, and every person who shall act as agent, solicitor or correspondent in procuring any consignment or deposit of grain for consignment to be so sold or disposed of, to any person, firm or corporation not having such license and authority shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

Approved, March 15, 1897.