

ing shall have been approved and verified according to law, it shall be the duty of the state auditor to draw his warrant on the state treasurer for such sum or sums as may be found due. To meet the deficiency now existing for public printing there is hereby appropriated from any moneys in the state treasury not otherwise appropriated, a sufficient sum to pay all lawful obligations of the state for public printing due at the time of the taking effect of this act, and for the biennial period of 1901 and 1902, there is hereby appropriated the sum of thirty thousand dollars for public printing.

§ 3. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. EMERGENCY.] Whereas, an emergency exists, in that there now exists a deficiency in the public printing appropriation, and the present laws do not concisely and clearly define the duties and powers of the commissioners of public printing, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1901.

## PUBLIC WAREHOUSES.

### CHAPTER 140.

[H. B. 109.]

#### DEFINING PUBLIC WAREHOUSES.

AN ACT to Amend Section 1786 of the Revised Codes of the State of North Dakota, Edition of 1899, Relating to and Defining Public Warehouses.

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

§ 1. AMENDMENT.] That section 1786 of the Revised Codes of the State of North Dakota, edition of 1899, be, and the same is hereby amended so as to read as follows:

§ 1786. AMENDMENT. PUBLIC WAREHOUSES DEFINED.] All buildings, elevators and warehouses, and all grist and flour mills doing a shipping business in this state, erected and operated, or which may hereafter be erected or operated by any person, association, copartnership, corporation or trust, for the purpose of buying, selling, storing, shipping or handling grain for profit, are declared public warehouses, and the person, association, copartnership or corporation owning or operating such buildings, elevators, or warehouses, which are now, or may hereafter be located or doing business within this state, whether such owners or operators reside within this state or not,

are public warehousemen within the meaning of this article, and none of the provisions of this article shall be construed so as to permit discrimination with reference to buying, receiving and handling grain of standard grades or in regard to the persons offering such grain for sale, storage and handling at such public warehouses, while the same are in operation.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 13, 1901.

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CHAPTER 141.

[H. B. 182.]

PUBLIC WAREHOUSES.

AN ACT to License and Regulate the Business of Storage Companies and Public Warehousemen (Other Than Warehousemen of Grain in Bulk) and to Provide Penalty for Violation of the Same.

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

§ 1. LICENSE KEEPERS OF PUBLIC WAREHOUSES.] The governor 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 the 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 within thirty days from and after the passage of this bill, upon the payment into the treasury of the state of the sum of ten dollars; and annually thereafter, by the payment of a like sum, to be credited to the school fund of the state.

§ 2. BONDS.] Each person or corporation licensed under the preceding section shall give a bond to the treasurer of the state in the penal sum of five thousand (\$5,000) dollars, with good and sufficient sureties to be approved by the governor, for the faithful discharge of the duties of a public warehouseman.

§ 3. 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 chapter, any person, persons or corporations injured by such failure or violation may, with the consent of 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 a satisfactory bond for costs, and the state shall not be liable for any costs.

§ 4. INSURING PROPERTY STORED.] Every public storage company or warehouseman shall when requested thereto in writing by any party placing property with him in storage, cause such property to be insured for whom it may concern; and such storage company or warehouseman shall not be held liable for the loss or damage by fire to the owner or owners of any property stored with him, unless such request to insure is made as aforesaid and he or they fail to comply therewith; provided, that such a loss or damage is not occasioned through the negligence of himself, his agents, servants, or employes; provided, that such storage company or warehouseman may, in case they deem it necessary and proper, insure such property without such request, in writing, in which event the cost of such insurance shall be and become a valid lien and charge thereon as provided in section eight (8) of this act.

§ 5. TITLE OF GOODS STORED.] The title of goods and chattels stored with a public storage company or in a public warehouse shall pass to a purchaser, or pledgee, by the indorsement and delivery to him of the storage company's or warehouseman's negotiable receipt therefor, signed by the party to whom such receipt was originally given, or by an endorsee of such receipt, subject to all liens and charges thereon for warehousing, advanced charges and insurance.

§ 6. STORAGE CHARGES. NO DISCRIMINATION.] Every such storage company or warehouseman shall receive, forward and store all property offered for such purposes by any person, persons or corporation, impartially and at as low a rate of charge, and in a manner and on terms, and in quantities as favorable to the party offering such property as it or he at the same place receives, forwards and stores, in the ordinary course of business, property of like description and in similar quantities offered by any other person, persons, or corporation. And no such storage company or warehouseman shall discriminate against any particular person, persons or corporation, or subject them or him to any undue or unreasonable prejudice or disadvantage.

And any court having jurisdiction shall have power to enforce the provisions of this act by injunction, or other suitable process.

§ 7. PENALTY.] Every such storage company or warehouseman who neglects or refuses to comply with the provisions of the preceding section shall forfeit, for every such offense, not less than fifty nor more than five hundred dollars, to be recovered in an action by the party offering the property for storage.

§ 8. LIEN THEREON.] Every such storage company or warehouseman who stores, keeps, cares for, or advances money on, or insures personal property, shall have a lien thereon for his reasonable charges for storing, keeping, caring for, and insuring the same, and for the charges he may have advanced on the same and legal interest thereon.

§ 9. UNLAWFUL WITHOUT LICENSE.] It shall be unlawful for any person, persons, or corporation, not duly licensed as herein provided,

to conduct or carry on the business of a public storage company or public warehouseman in the state.

§ 10. GUILTY OF MISDEMEANOR. PUNISHMENT.] Any person, persons or corporation who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding one thousand (\$1,000) dollars.

§ 11. TO WHOM APPLIED.] This act shall not be construed to apply to any implement transfer company, or to any railroad or transportation company; provided, such railroad or transportation company shall, within forty-eight hours after the receipt of such goods, wares, and merchandise, notify the consignee of the arrival thereof in writing, and in case such consignee, or his assigns, fails and neglects to call for or receive said goods, wares, or merchandise, within twenty days after such receipt of same by any railroad or transportation company as aforesaid, said railroad or transportation company must then turn over said goods, wares or merchandise to a storage company or warehouseman, licensed as in this act provided, upon the payment of the charges of said carriers thereon, which charges thus paid by said storage company or warehouseman to said carriers shall be a lien on said goods, wares or merchandise.

§ 12. REPEAL.] That all acts and parts of acts inconsistent herewith are hereby repealed.

§ 13. EMERGENCY.] Whereas, there is no law regulating the business of public warehousemen (other than warehousemen of grain in bulk) in this state, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1901.