

GLANDERS

CHAPTER 137.

(S. B. No. 83—Drown.)

ANIMALS KILLED FOR GLANDERS.

An Act to Amend and Re-enact Section 2731 of the Compiled Laws of North Dakota, 1913, Relating to Animals Killed for Glanders.

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

Sec. 1. AMENDMENT.) Section 2731 of the Compiled Laws of North Dakota is hereby amended and re-enacted so as to read as follows:

Sec. 2731. COMPENSATION FOR ANIMALS KILLED.) It shall be the duty of the Justice of the Peace to file with the executive officer of the State Live Stock Sanitary Board, the certification of the State Live Stock Sanitary Board or its authorized agent and the affidavits of the owner or keeper, sworn to according to Section 2730, that the animals have been killed and buried in accordance with Section 2689. The executive officer of the State Live Stock Sanitary Board after recording same upon his docket, shall examine the same with the State Auditor, who shall issue a warrant on the State Treasurer for two-thirds of the sum named in the appraiser's return.

Approved February 14, 1919.

GRAINS, GRADES AND INSPECTION

CHAPTER 138.

(S. B. No. 14—Drown.)

GRAIN GRADES AND INSPECTION.

An Act Creating a Uniform State Grade for Grain, Seeds or Other Agricultural Products; Creating and Establishing the Office of State Inspector of Grades, Weights and Measures; Defining and Prescribing the Duties and Powers Thereof; Providing for the Licensing of Public Warehouses, Grain Buyers and Persons Engaged in Soliciting or Procuring Consignments of Grain, Seeds or Other Agricultural Products; Providing for the Establishing of Central Marketing Places; Providing for the Appointment of Chief Deputy Inspector, State Deputy Inspectors and Deputy Inspectors, Chief Elevator, Accountant and Warehouse Inspectors, Defining Their Duties and Powers; Providing for Bonds from Public Warehouses to Secure All Moneys Due the Holders of Outstanding Grain Tickets; Requiring Public Warehouses to Keep Records of Their Business; Authorizing the Fixing of a Reas-

onable Margin to be Paid the Producer of Grain; Providing for the Inspection of Public Warehouses; Providing for the Payment of Dockage Having Value; Authorizing Investigation of All Matters Bearing Upon the Marketing of Grain; Authorizing the Employment of Clerks, Experts and All Other Employees Necessary to Carry Out the Provisions of this Act, and Making an Appropriation Therefor, and Providing Penalties for the Violation of Any of the Provisions of this Act; and Repealing Sections 3101, 3102, 3103, 3105, 3109 and 3111 of the Compiled Laws of 1913 for the State of North Dakota, also Chapter 56 of the Laws of 1917 Passed at the 15th Session of the Legislative Assembly of the State of North Dakota, and Chapter 14 of the Laws Passed at the Special Session of the 15th Legislative Assembly of the State of North Dakota for the Year 1918, and Excluding Sales by Producers to One Another by this Act.

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

Sec. 1. The Governor of the State of North Dakota, on or before the 30th day of June 1919, shall appoint for a term of four years a member of the faculty of the North Dakota Agricultural College (who shall be an expert in the grading and weighing of all kinds of grain, seeds and other agricultural products) to be the State Inspector of Grades, Weights and Measures, who shall receive, with the approval of the State Board of Regents, the sum of One Thousand Dollars per annum.

Sec. 2. The State Inspector of Grades, Weights and Measures shall have the power and is hereby directed:

(a) To appoint a Chief Deputy State Inspector of Grades, Weights and Measures; a Chief Elevator Accountant; Deputy Inspector of Grades, Weights and Measures; State Deputy Inspector of Grades, Weights and Measures, and Warehouse Inspectors;

(b) To issue licenses to warehouses, buyers and solicitors of grain, seeds and other agricultural products;

(c) To establish uniform grades for grain, seeds or other agricultural products for the State of North Dakota with power to alter and modify such grades;

(d) To establish uniform grade certificates used in the marketing of grain, seeds, or other agricultural products;

(e) To hear and determine appeals from the decision of State Deputy Inspectors and from Deputy Inspectors of Grades, Weights and Measures;

(f) To conduct investigations into all matters directly or indirectly connected with or bearing upon the marketing, grading and weighing of all grain, seeds and other agricultural products with power to summon, subpoena and compel the attendance of witnesses, and the production of books and papers, and administer oaths whenever it may be necessary for more effective discharge of his duties, and shall have the power to punish for contempt.

(g) To employ such deputies, experts, accountants, clerks and all other employees necessary to carry out the provisions of

this Act with power to fix and determine the compensation and bonds of all such deputies, experts, accountants, clerks and other employees;

(h) To inspect public warehouses and to establish, amend, and alter rules and regulations for handling, storing, weighing, grading and inspecting grain, seed and other agricultural products and for the management of public warehouses for the purpose of carrying out the provisions of this Act or any other law in this State in regard to the same, provided, that all such rules shall be published by the State Inspector of Grades, Weights and Measures in such manner as to give the greatest publicity thereof;

(i) To establish a reasonable margin to be paid producers of grain by warehouses, elevators and mills;

(j) To fix and determine all charges for grading, inspecting and weighing grain or other agricultural products;

(k) To make rules and regulations for the purpose of carrying out the provisions of this Act and to do any and all things necessary or expedient for said purpose.

Sec. 3. It shall be the duty of the Inspector of Grades, Weights and Measures to proceed at once to define and establish uniform grades and weights for grain, seeds or other agricultural products, also for flour meal and products made therefrom, either singly or combined. In establishing such grades, dockage shall be considered as being of two classes, first, that having value, and second, that having no value, the former to be considered and paid for at its market value.

Sec. 4. The term "Deputy Inspector of Grades, Weights and Measures" within the meaning of this Act is defined as any firm, person, company, corporation or association that buys, weighs and grades grain, seeds or other agricultural products and holds a license issued therefor by the State Inspector of Grades, Weights and Measures.

Sec. 5. The term "State Deputy Inspector of Grades, Weights and Measures" within the meaning of this Act is defined as one who is in the employment of the State of North Dakota and has received an appointment from the State Inspector of Grades, Weights and Measures.

Sec. 6. The term "Solicitor of Grain, Seed and other Agricultural Products" within the meaning of this Act is defined as one who engages in the business of soliciting grain, seed and other agricultural products to be sold for the benefit of the consignee or otherwise disposed of for the benefit of himself, an agent, broker or factor.

Sec. 7. The term "Public Warehouse", within the meaning of this Act is defined as all buildings, elevators or warehouses, and all grist and flour mills doing a shipping business in this State, erected or operated or which may hereafter be erected or operated by any person, association, co-partnership, corporation

or trust for the purpose of buying, selling, storing, shipping or handling grain for profit.

Sec. 8. The Chief Deputy Inspector of Grades, Weights and Measures and Chief Elevator Accountant shall have power and authority under the direction of the State Inspector of Grades, Weights and Measures to carry out the provisions of this Act. They shall be stationed at the North Dakota Agricultural College.

Sec. 9. State Deputy Inspectors of Grades, Weights and Measures may be stationed by the State Inspector of Grades, Weights and Measures at any town or place where grain, seeds or other agricultural products are bought, sold, marketed, stored or manufactured. They shall have power and authority under the direction of the State Inspector of Grades, Weights and Measures to inspect, weigh and grade grain, seeds or other agricultural products at such places.

Sec. 10. It shall be the duty of Deputy Inspectors of Grades, Weights and Measures to weigh, inspect and grade all grain, seeds and other agricultural products that shall be offered for sale or shipment at their market place, according to the provisions of this Act and the rules and regulations established by the State Inspector of Grades, Weights and Measures. They shall issue a certificate stating the kind of grain, seeds or other agricultural products, giving the grade, test-weight per bushel and the reason for all grades below Number 1, and shall deliver to the owner or agent of such grain said certificate. It shall also be the duty of said Deputy Inspectors of Grades, Weights and Measures to accurately sample grain, seeds and other agricultural products in wagon loads, carloads or other containers and forward samples thereof to the State Inspector of Grades, Weights and Measures when instructed to do so by the State Inspector of Grades, Weights and Measures.

Sec. 11. The State Inspector of Grades, Weights and Measures may issue a license to any person engaged in buying, weighing and inspecting or grading grain, seed or other agricultural products or the buyer or agent of a privately or publicly owned warehouse, elevator or flour mill, provided, that such buyer or agent shall pass such examination as to his competency as may be prescribed by the State Inspector of Grades, Weights and Measures. The condition of such license shall require such Deputy Inspectors of Grades, Weights and Measures to fix grades and dockage of grain and seeds inspected at their respective places of business and correctly weigh the products so inspected and graded according to the provisions of this Act and the rules and regulations made hereunder. The State Inspector of Grades, Weights and Measures may issue a license to any person engaged in soliciting or procuring consignments of grain, seeds or other agricultural products, providing that such solicitor shall pass such

examination as to his competency as may be prescribed by the State Inspector of Grades, Weights and Measures. The condition of such license shall require such solicitor to comply with the provisions of this Act and all rules and regulations established by the State Inspector of Grades, Weights and Measures. The State Inspector of Grades, Weights and Measures may suspend or revoke any license issued by him under this Act whenever after investigation he shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly or has issued any false certificate of grading or has violated any provision of this Act or the rules and regulations made hereunder. All licenses issued under this section, unless revoked as herein provided, shall terminate on the 30th day of June each year. Licenses shall not be transferable without the consent of the State Inspector of Grades, Weights and Measures.

Sec. 12. The State Inspector of Grades, Weights and Measures shall collect a fee of \$10.00 for each license issued under the provisions of Section eleven of this Act.

Sec. 13. Each Deputy Inspector shall cause his license to be posted in a prominent and conspicuous place at his place of business and shall not be authorized to inspect, weigh or grade grain or seed in any other place except on the approval of the State Inspector. Any solicitor for grain, seeds or other agricultural products shall produce his license for examination when requested to do so by any interested person.

Sec. 14. It shall be unlawful for any person to buy or grade grain, seeds or other agricultural products who is not licensed as a Deputy Inspector of Grades, Weights and Measures. It shall be unlawful for any person or persons, corporation or association operating a public warehouse to purchase, weigh, grade or inspect grain, seeds or other agricultural products without first procuring a Deputy Inspector of Grades, Weights and Measures' license, provided, however, that this Section shall not prohibit State Deputy Inspectors from inspecting, weighing and grading grain, seeds, and other agricultural products under the direction and supervision of the State Inspector of Grades, Weights and Measures. Provided further, that this section shall not prohibit producers from buying and selling grain, seed and other agricultural products to one another.

Sec. 15. Any person may without a license buy any grain, seeds or other agricultural products that have been graded, inspected and weighed by a Deputy Inspector of Grades, Weights and Measures, or State Deputy Inspector of Grades, Weights and Measures.

Sec. 16. The State Inspector of Grades, Weights and Measures may upon the cancellation or suspension of any license issued hereunder permit the business of any licensee to be completed and finally closed under the inspection and supervision of a State Deputy Inspector who shall be stationed at the place of business

of such licensee. All the expenses of such inspection and supervision shall be paid by such licensee.

Sec. 17. The State Inspector of Grades, Weights and Measures shall cause the grades established hereunder to be published in not more than five newspapers of general circulation in the State of North Dakota, two of which shall be devoted to the benefits of agriculture and three shall be papers of general circulation. Such notice shall specify the date when the grades so established shall become effective, which shall be not less than thirty days in advance of such date.

Sec. 18. The State Inspector of Grades, Weights and Measures may establish central markets for the display of samples of grain, seeds or other agricultural products and may install a deputy in charge of any such central market at cities, or towns without or within the State of North Dakota. Such markets shall be open to any and all persons desiring to buy or sell on said market and shall be operated and conducted under such rules and regulations as the State Inspector of Grades, Weights and Measures may establish therefor.

Sec. 19. The State Inspector of Grades, Weights and Measures shall receive, hear and determine all appeals from the decision of all State Deputy Inspectors and from all Deputy Inspectors. All such appeals shall be heard and determined by the State Inspector of Grades, Weights and Measures under such rules and regulations as he may establish therefor and he shall consider the flour and bread producing qualities of such grain where such final decision is necessary. It shall be the duty of Deputy Inspectors of Grades, Weights and Measures to post a copy of this Section in a conspicuous place in their respective places of business and to call the same to the attention of all persons dissatisfied with any decision.

Sec. 20. It shall be the duty of all Deputy Inspectors of Grades, Weights and Measures to keep a record showing the name and addresses of patrons of their respective warehouses, elevators or mills; the prices paid for agricultural products; the grades given; the prices received and the grades received at terminal markets or within the state. This information shall be furnished the State Inspector of Grades, Weights and Measures upon written demand thereof.

Sec. 21. It shall be the duty of every Deputy Inspector of Grades, Weights and Measures to provide proper sieves, cleaning devices for separating dockage from grain and seeds, grain tester, stroker and other tools used for the correct grading of grain and seeds.

Sec. 22. 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 State Inspector of Grades, Weights and Measures a bond, to the State with good

and sufficient sureties, to be approved by the Inspector of Grades, Weights and Measures in the penal sum of not less than Five Thousand Dollars nor more than Seventy-five Thousand Dollars, in the discretion of the State Inspector of Grades, Weights and Measures conditioned for the faithful performance of their duties as Public Warehousemen and the compliance with all the laws of this State in relation thereto. Only one bond need be given for any line of elevators, mills or warehouses owned, controlled or operated by one individual, firm or corporation. Such bond shall specify the location of such elevator, mill or warehouse operated by such individual, firm or corporation and shall be in an amount sufficient to protect the holders of the outstanding grain tickets.

Sec. 23. The State Inspector of Grades, Weights and Measures is hereby authorized, upon complaint of a producer of grain, seeds or other agricultural products that any warehouse, elevator or mill is paying an unreasonable margin, to investigate, determine and establish reasonable margin to be paid such producer for grain, seeds of other agricultural products.

Sec. 24. State Inspector of Grades, Weights and Measures, shall fix and determine the compensation and bonds of the Chief Deputy Inspector of Grades, Weights and Measures, the Chief Elevator Accountant, State Deputy Inspector of Grades, Weights and Measures, and Warehouse Inspectors.

Sec. 25. The Chief Elevator Accountant and Warehouse Inspectors, under the direction of the State Inspector of Grades, Weights and Measures shall visit the public warehouses in this state for the purpose of ascertaining whether sufficient bond is in force to protect the holders of storage tickets for grain stored therein; whether such warehouse is amply protected by insurance; to advise with local managers and boards of directors as to proper methods of accounting; to assist local warehouses in making proper reports and to secure annual or other reports required by law of the State Inspector of Grades, Weights and Measures and to advise and assist Warehousemen in promoting efficiency and safety in the marketing of grain; to enforce compliance with all laws relating to public warehouses and the rules and regulations of the State Inspector of Grades, Weights and Measures. Should such Accountant or any Inspector find that any such warehouse has failed to provide a bond sufficient to protect the holders of storage tickets or that such institution is not amply protected by insurance or has refused or neglected to furnish any report required by law or the State Inspector of Grades, Weights and Measures, or is violating any State law or the rules and regulations of the State Inspector of Grades, Weights and Measures relating to any such institutions, such inspector shall report such condition to the State Inspector of Grades, Weights and Measures and to the manager of such institution. Should any such institution neglect or refuse to remedy such condition, the State Inspector of Grades, Weights and Measures may suspend

the license of such warehouse and if after notice and the allowance of a reasonable time to comply with the instructions of the State Inspector of Grades, Weights and Measures, such warehouse refuses to remedy such conditions, the State Inspector of Grades, Weights and Measures shall cancel the license of such warehouse.

Sec. 26. A State warehouse license must be obtained through the State Inspector of Grades, Weights and Measures for each and every public grain warehouse in operation in this State. No license issued under this article shall describe more than one warehouse or grant permission to operate any other warehouse than the one therein described. The license fee is hereby fixed at Eight Dollars for warehouses of a capacity of 12,000 bushels or less and Ten Dollars for warehouses of a capacity of over 12,000 bushels and not to exceed 25,000 bushels, and Twelve Dollars for all warehouses over 25,000 bushels and not to exceed 50,000 bushels, and Twenty Dollars for all warehouses over 50,000 bushels and not to exceed 80,000 bushels capacity for each public grain warehouse. Before issuing any such license, the State Inspector of Grades, Weights and Measures shall collect from the person applying therefor the license fee required herein.

Sec. 27. The license thus obtained shall be posted in a conspicuous place in the public warehouse so licensed. Every such license shall expire on the first day of August of the odd numbered years next following the issuance thereof and no license shall run for a longer period than two years. Any person or association that shall transact the business of public warehousemen without first procuring a license as herein provided shall on conviction be fined in a sum not less than Twenty-five Dollars for each and every day such business is carried on.

Sec. 28. The State Inspector of Grades, Weights and Measures is hereby authorized to refund the license fee of a public grain warehouse or so much thereof as in his judgment would be just and reasonable when satisfactory proof is furnished to him that such warehouse or elevator has been transferred to some other person, firm or corporation and application is made by the owner for a license for the same warehouse or elevator for the same biennial period for which the original license was issued, provided, that where a warehouse or elevator is destroyed by fire or other cause, the license fee may be prorated in such amount as the State Inspector of Grades, Weights and Measures may determine.

Sec. 29. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and for the first offense shall pay a fine of not less than \$10.00 and not more than \$100.00 or be confined in the county jail not less than ten days nor more than thirty days, or both such fine and imprisonment. For each succeeding offense he shall pay a fine of not less than \$100.00 or more than \$500.00 or be confined in the county jail not less than thirty days nor more than ninety days, or both such fine and imprisonment.

Sec. 30. Any person who forcibly assaults, resists, impedes or interferes with the State Inspector of Grades, Weights and Measures or any employee of the State of North Dakota in the execution of any duties authorized to be performed by this Act, shall upon conviction thereof be fined not less than \$50.00 nor more than \$100.00 or be confined in the county jail not less than fifteen days or more than thirty days, or both such fine and imprisonment.

Sec. 31. All money in the State Treasury known as the State Grading and Weighing Fund are hereby appropriated for the purpose of carrying out the provisions of this Act, and shall be disbursed on vouchers issued by the State Inspector of Grades, Weights and Measures. All fees and licenses collected by the State Inspector of Grades, Weights and Measures shall be turned into the State Public Grain Grading and Weighing Fund, and the salaries and compensation of the State Inspector of Grades, Weights and Measures, Chief Deputy Inspector of Grades, Weights and Measures, Chief Elevator Accountant and all other Deputies, Inspectors, Accountants, Experts, clerks and employees, and all other expenses shall be paid out of this Fund; provided such salaries, compensation and other expenses shall not exceed the sum of \$35,000 per annum.

Sec. 32. That Sections 3101, 3102, 3103, 3105, 3109 and 3111 of the Compiled Laws of 1913 of the State of North Dakota, also Chapter 56 of the Laws of 1917 passed at the 15th Session of the Legislative Assembly of the State of North Dakota, and Chapter 14 of the Laws passed at the Special Session of the 15th Legislative Assembly of the State of North Dakota for the year 1918, and all other Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 33. Whereas there is no adequate provision of law providing for a uniform system of grading, weighing and inspecting grain in this State therefore an Emergency is hereby declared to exist, and this Act is hereby declared to be necessary for the immediate preservation of the Public health, peace and safety and shall take effect and be in force from and after its passage and approval.

Approved February 11, 1919.