

Dakota for 1917, with the same force and effect as the said injured person could have maintained said action, were he still living. The action or cause of action shall not abate by reason of the death of either party to the record. If the plaintiff dies pending the action, the person next in order entitled to bring the action, shall, by order of Court, be made plaintiff therein, and if action shall not have been already commenced, such action may be brought by the persons, and in the manner provided in Section 8323, of the Compiled Laws of North Dakota for 1913, as amended by Chapter 106 of the Session Laws of North Dakota for 1917. That it shall not be necessary to present such claim created by such action, or cause of action, to the estate of the deceased tortfeasor, except that a copy of the summons and complaint may be served upon the executor or personal representatives of said estate.

Sec. 2. All acts or parts of acts in conflict herewith are hereby repealed.

Vetoed March 12, 1923.

INITIATED MEASURES

REPEAL OF TEACHERS MINIMUM TRAINING AND SALARY LAW.

Being an act providing for the repeal of Chapter 112 of the Session Laws of 1921, which provides for a minimum amount of training, a minimum salary for a teaching experience of less than one school year, and a schedule of salary minimum for a teaching experience of from one to six years inclusive, for teachers in the public schools of North Dakota.

Be It Enacted by the People of the State of North Dakota:

Sec. 1. Chapter 112 of the Session Laws of 1921 of the laws of the State of North Dakota is hereby repealed.

Approved June 28, 1922—101,167 to 70,372.

BONDS OF NORTH DAKOTA, REAL ESTATE SERIES.

Being an act amending the Bonds of North Dakota Real Estate Series Act, providing for the issuing of bonds of the State of North Dakota in a sum of not Exceeding \$10,000,000.00.

Amends Section 15 of Chapter 154 of the Laws of 1919, so as to increase the amount for which such bonds may be issued from a sum not exceeding \$10,000,000.00 to a sum not exceeding \$20,000,000.00.

Be It Enacted by the People of the State of North Dakota:

Sec. 1. That Section 15 of Chapter 154 of the Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Sec. 15. The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed, from time to time as occasion may arise under the terms of this Act; provided, however, that at no time shall the amount of bonds issued and outstanding pursuant to the terms of this Act exceed the total of twenty million dollars.

Approved June 28th, 1922—99,866 to 58,186.

THE NORTH DAKOTA GRAIN GRADING ACT.

An Act declaring the purpose of the State of North Dakota to supervise and regulate the marketing of farm products; preventing unjust discrimination, fraud and extortion in the marketing of same; establishing a system of grading, weighing and measuring farm products; defining the scope and manner of such supervision and the powers and duties of the persons charged with same; providing for licensing buyers, solicitors, and warehouses handling such farm products; and making an appropriation therefor.

Be It Enacted by the People of the State of North Dakota:

Sec. 1. For the purpose of encouraging, promoting and safe-guarding agriculture, commerce and industry, and preventing confiscation of dockage, unjust discrimination, fraud and extortion in the marketing of all kinds of grain, seed and other agricultural products, we, the people of the state of North Dakota do hereby establish a uniform system of grading, weighing and measuring all kinds of grain, seed and other farm products, and this act shall be known as the "North Dakota Grain Grading Act."

Sec. 2. The Board of Railroad Commissioners of the state, on or before the 8th day of December, 1922, shall appoint for a term of four years, a supervisor of grades, weights and measures, who shall be an expert in the grading, weighing and measuring of all kinds of grain, seeds and other agricultural products; and such supervisor shall immediately assume the duties of his office and shall receive a salary of \$3,600 per annum. In case of death, resignation or inability of such supervisor, the vacancy shall be filled in like manner for the unexpired term, and thereafter such supervisor shall be appointed in like manner.

Sec. 3. The State Supervisor of Grades, Weights and Measures shall maintain his office and principal place of business at the Agricultural college of this state, and shall make and enforce such orders, rules and regulations as are necessary to carry out the provisions of this act. It is hereby made the duty of all of the departments of the Agricultural College, (and especially of the State Experiment Mill at said College), to assist and co-operate with the State Supervisor of Grades, Weights and

Measures in analyzing and testing all kinds of grain, seeds and other farm products for the purpose of establishing just and uniform grades, weights and measures for same.

Sec. 4. It shall be the duty of the State Supervisor of Grades, Weights and Measures to fix and establish as soon as may be after the enactment hereof for the purpose of preventing fraud and wrongful handling of grain, seed and other farm products, and protecting the producers of the same in connection with the marketing thereof, grades, weights and measures for all kinds of grain, seed and other farm products and he shall prescribe standards of quality and conditions of same, and shall in a general way investigate and supervise the marketing of same with a view of preventing unjust discrimination, unreasonable margins of profit, confiscation of valuable dockage, fraud and other unlawful practices; provided however that whenever the Secretary of Agriculture of the United States has established grades, weights and measures, or any standards of quality and condition of any grain, seed and other agricultural products under the United States Grain Standards Act, such grades, standards of quality and condition, weights and measures shall become the grades, standards of quality and conditions, weights and measures of this state. In establishing such grades, weights and measures, the value of dockage shall be considered and the buyer shall not be permitted to retain the same without just compensation. He shall pay the fair market value for same or separate it and return it to the producer.

Sec. 5. That whenever grades, weights and measures shall have been fixed and established under the provisions of this act for any grain, seed or agricultural products by the State Supervisor of Grades, Weights and Measures, or by the Secretary of Agriculture of the United States, then no person thereafter shall buy by grade any such farm product unless it shall have been inspected and graded by an inspector licensed under the provisions of this act, or under the provisions of the United States Grain Standards Act, and the grade by which it is bought be one of the grades fixed and recognized under the provisions of this act; provided, that any person may buy any such product by sample or by type or under any name, description or designation which is not false or misleading and which name, description or designation does not include in whole or part the terms of any official grade or grain standard established or recognized by this act. Nothing herein shall prohibit producers from buying grain, seed or other agricultural products from one another.

Sec. 6. The State Supervisor of Grades, Weights and Measures shall issue a license to grade to any person engaged in soliciting, buying, weighing and inspecting or grading grain,

seeds or other agricultural products, or to the buyer or agent of a privately or publicly owned warehouse, elevator or flour mill handling agricultural products provided that such buyer, solicitor or agent shall pass such reasonable examination as to his competency as may be prescribed by the State Supervisor of Grades, Weights and Measures. The condition of such license shall require such person to honestly and correctly fix grades and dockage of grain and seed inspected at their respective places of business and to honestly and correctly weigh the products so inspected and graded according to the provisions of this act and the rules and regulations made hereunder.

Sec. 7. The State Supervisor 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 short-weighed or has taken for his own use valuable dockage without compensation, or has issued any false certificate of grading or has violated any of the provisions of this act or of the United States Grain Standards Act. Upon such suspension or revocation, if the licensee is not satisfied with the decision of the State Supervisor of Grades, Weights and Measures, he may appeal to the District Court of his county and have such order reviewed. All licenses issued under this section shall terminate on the 30th day of June each year. Each person receiving such license shall cause same to be conspicuously posted at his place of business, provided that any person may without a license and according to provisions of the United States Grain Standards Act and the rules and regulations promulgated thereunder by the Secretary of Agriculture buy by grade any grain, seed, or other agricultural products that have been graded as provided by this act.

Sec. 8. A state warehouse license must be obtained through the State Supervisor of Grades, Weights and Measures for each and every public warehouse handling grain, seed or other farm products in the state. License fee for such warehouse to be fixed by the State Supervisor of Grade, Weights and Measures, and shall not exceed \$1.00 for each 1,000 bushels capacity of such warehouse. The license thus obtained shall be posted in a conspicuous place in such warehouse and shall expire on the 30th day of June each year following the issuance thereof.

Sec. 9. It shall be the duty of the Supervisor of Grades, Weights and Measures to inspect public warehouses handling grain, seed or other farm products and to establish and alter rules and regulations for handling, storing, weighing, grading and inspecting such farm products and he shall require the proprietor, lessee or manager of any such public warehouse, elevator or flour mill, or any individual buying or shipping grain for profit in this state, who does not pay cash in advance

for the grain so bought, to file with him a bond, running to the state, with good and sufficient surety in an amount sufficient to cover the value of all farm products bought and not paid for in cash and in addition thereto, he shall require a bond from such public warehouse in a penal sum of not less than five thousand dollars, as in his discretion he may deem fit for the faithful performance of their duties as public warehousemen, and the compliance with all of the laws of this state in relation thereto.

Sec. 10. And it shall be the duty of every public warehouseman in this state to keep a record of the names and addresses of their respective warehouses, elevators or mills; the price paid for agricultural products, the grades given; the price received and the grades received at the terminal markets or within the state, which information shall be furnished to the Supervisor of Grades, Weights and Measures upon written request.

Sec. 11. In case of any dispute as to grades, weights or measures between the producer and the purchaser, operating a public warehouse, elevator or flour mill, handling agricultural products, then a sample shall be taken from such farm product, and shall be sent to the Supervisor of Grades, Weights and Measures, and the proper grade weight or measure shall be determined by him under such rules and regulations as he may establish.

Sec. 12. It shall be unlawful for any person to grade grain, seed or other agricultural products who has not been licensed by the Supervisor of Grades, Weights and Measures or who does not hold a license to grade, weigh or measure grain, seed or other agricultural products under the United States Grain Standards Act. And it shall be unlawful for any person or persons, corporation or association to operate a public warehouse, or to grade grain, seed or other agricultural products without first securing a license from the Supervisor of Grades, Weights and Measures, provided, however that this section shall not prohibit any such person from buying such agricultural products if they have first been lawfully graded or provided he buys them by samples as otherwise provided for herein.

Sec. 13. To accomplish the purpose of this act, the State Supervisor of Grades, Weights and Measures may employ such deputies, assistants, accountants, expert agents and servants as in his judgment he deems necessary, and he shall define the duties and designate the titles, and fix the compensation and bonds of such persons so engaged, the total compensation of

such appointees and employees, together with the other expenditures for the operation and maintenance of the Department of Grain Grading, shall remain within the appropriation and the funds received from the licensing of elevators, warehouses and mills handling agricultural products available each year for such purpose; and the Supervisor of Grades, Weights and Measures may remove any such deputies, assistants, accountants, expert agents and servants whenever in his judgment the public interests require it, and he may do any and all such other acts as are necessary to carry out any and all of the provisions of this act. And it shall be the duty of the Attorney General of the state and his assistants and all of the states' attorneys of the various counties of the state to prosecute any violations of any of the provisions of this act upon complaint made to them in writing by the State Supervisor of Grades, Weights and Measures.

Sec. 14. The salary of the Supervisor of Grades, Weights and Measures shall be paid out of the grain grading fund, and he shall give bond to the state in the sum of ten thousand dollars.

Sec. 15. Any person who assaults or in any way resists any officer or employee of the North Dakota Grain Grading Department in the execution of his duties, or who violates any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 16. There is hereby appropriated for the purpose of carrying out the provisions of this act out of any of the general funds of the State Treasury the sum of ten thousand dollars, together with all moneys in the State Treasury known as the State Grain Grading fund, and all fees for licenses collected under the provisions of this act shall be turned into the State Treasury and designated as the North Dakota Grain Grading Fund and when so turned in and designated, it shall be appropriated and available for the purpose of carrying out all of the provisions of this act.

Sec. 17. All of the duties and obligations which were formerly performed by the State Inspector of Grades, Weights and Measures, and all of the obligations placed upon him by law, are hereby transferred and made part of the duties of the Supervisor of Grades, Weights and Measures; and all acts or parts of acts in conflict with any of the provisions of this act are hereby expressly repealed.

Approved November 7th, 1922.—138,735 to 44,406.