

guilty of a misdemeanor and shall, upon conviction be punished by a fine of not less than \$25.00 for each beaver, beaver pelt, or any part thereof, or by imprisonment in the county jail for not less than twenty nor more than thirty days, or by both such fine and imprisonment.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved February 9, 1931.

GRAIN

CHAPTER 151

(H. B. No. 185—Johnson and Northridge.)

APPLICATION TESTING AND SEALING OF GRAIN—ISSUE AND CANCELLATION WAREHOUSE CERTIFICATES

An Act to amend and re-enact Sections 11 and 16 and repealing Section 13 of Chapter 138 of the Session Laws of North Dakota for 1929, relating to the storage of grain on farms and prescribing the procedure therefor.

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

§ 1. AMENDMENT.] That Section 11 of Chapter 138 of the Session Laws of North Dakota for the year 1929 is hereby amended and re-enacted to read as follows:

§ 11. APPLICATION FOR TESTING AND SEALING OF GRAIN.] Whenever any inspector shall be appointed by the Commissioner in the manner provided herein, any owner of grain within his district desiring to store the same, shall make written application to the Commissioner to be filed with the inspector, indicating where such grain is stored, the kind of structure in which it is stored, the encumbrances upon said grain, if any; and the name and address of the person, firm or corporation to whom the warehouse certificate shall be issued and delivered; which application shall be signed and sworn to by the applicant. Whenever any grain is owned by more than one owner, said application shall be signed by all having any interest therein. In case such grain is mortgaged, the application for inspection shall be signed by the owner and the mortgagee or his or her agent, duly authorized in writing, and any certificate issued for grain owned by more than one person or mortgaged, shall be issued in the name of such persons including the mortgagee.

§ 2. AMENDMENT.] That Section 16 of Chapter 138 of the Session Laws of North Dakota for the year 1929 is hereby amended and re-enacted to read as follows:

§ 16. WAREHOUSE CERTIFICATES—HOW ISSUED—HOW CANCELLED.] It shall be the duty of the Commissioner to issue all warehouse certificates hereunder, except as otherwise provided in Section 25 hereof. All such warehouse certificates issued under the provisions of this Act shall be in triplicate, the original certificate to be printed upon white and the two duplicates upon tinted paper, such original to be delivered to the person, firm or corporation designated in the application, one of the duplicate copies to be retained by the Commissioner, and the other to be filed in the office of the Register of Deeds of the county in which said grain is stored. Both copies of certificates shall have plainly printed or stamped across the face thereof "Duplicate Certificate—No Value". Any owner or owners of grain stored under the provisions of this act, still the holder of the warehouse certificate issued thereon and unpledged and unnegotiated, may procure the release of such grain from storage thereunder by delivering the original warehouse certificate to the Commissioner who shall upon the receipt thereof cancel the same by perforating it with the words "Surrendered and Cancelled". The Commissioner shall notify such original holder or holders of such cancellation, and the receipt of such notice of cancellation by such owner or owners shall be authority to such owner or owners to break the seal and retake possession of the grain in such certificate described. Upon delivery by the owner or owners, to the warehouse certificate holder, of the grain pledged thereby, or upon payment of the obligation for which such certificate has been pledged, the warehouse certificate holder shall be required to cancel and redeliver such certificate to the owner of such grain, such cancellation to be so made by endorsing thereon in ink, the words "Cancelled and Delivered to the owner of the grain", together with the signature of such warehouse certificate holder.

Such owner of grain may upon such cancellation of warehouse certificate, forward such cancelled certificate to the Commissioner, for the purpose of having it cancelled in his office and discharged of record.

The Commissioner shall under his seal notify the Register of Deeds of the County in which the duplicate certificate is filed, to discharge any cancelled certificate of record; and such Register of Deeds is hereby required to so cancel the same, without charge, upon such notice from the Commissioner. All original warehouse receipts so cancelled as above by the Commissioner, shall be retained in the files of his office and a permanent record of such certificate so cancelled shall be kept; such record to show the name of the person or persons to whom the certificate was issued, the number of the certificate, the date of cancellation, and when the certificate cancelled is one surrendered as paid, the name of the person so surrendering and cancelling.

§ 3. REPEAL.] That Section 13 of Chapter 138 of the Session Laws of North Dakota for the year 1929 and all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1931.

HIGHWAYS

CHAPTER 152

(H. B. No. 107—Wilson and Lamb.)

CATTLE GUARDS ON PUBLIC HIGHWAYS

An Act authorizing boards of county commissioners and township supervisors to permit the erection of cattle guards on public highways and providing for repair and removal thereof; requiring gates to be closed and providing penalty.

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

§ 1. Whenever the erection of cattle guards is necessary to complete an enclosure which includes land on both sides of any highway in the State of North Dakota, except a highway which has been designated as part of the State Highway system under Chapter 159, Session Laws of North Dakota for 1927 and amendments thereto, the board of County Commissioners may, if the cattle guard is to be erected within unorganized territory of any county, or, the board of township trustees, if the cattle guard is to be erected within an organized township may issue permission to any person, firm or corporation to erect a cattle guard and gateway across said highway upon the conditions hereinafter prescribed.

§ 2. Before any cattle guard and gateway shall be erected across any highway as authorized in the preceding section, the County Commissioners or Township Board, as the case may be, shall approve written specifications of said cattle guard and gateway, which specifications shall be filed with the County Auditor, if approved by the County Commissioners, and with the Township Clerk, if approved by the Township Board.

Said specifications shall include specifications for warning signs to be placed approximately three hundred feet from and plainly visible to persons approaching said cattle guard upon the highway.

The cattle guards herein provided for shall be so constructed as to permit the passage of motor vehicles through and over the same. No cattle guard shall be erected upon any highway in this state unless there is also provided adjacent thereto an ample gateway in which shall be erected a gate which may be easily opened and closed by the public.

§ 3. Any person who shall open and fail to promptly close any gate provided for in this act shall be guilty of a misdemeanor and