

provisions of said notice within six months after the first publication thereof, shall be barred as a lien or claim against said contractor and his surety, and no action upon any such claim so barred shall be maintained nor any right of set-off or counterclaim thereon enforced in any Court in this State against the State and/ or contractor or his surety, but nothing in this Act shall in any manner bar the right of any person who has furnished labor, supplies or material to any sub-contractor to enforce the same against the sub-contractor.

Approved March 11, 1931.

PUBLIC WAREHOUSES

CHAPTER 224

(S. B. No. 177—Marshall.)

LICENSE PUBLIC WAREHOUSE

An Act to amend and re-enact Section 8 of Chapter 155 of the Session Laws of North Dakota for the year 1927.

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

§ 1. AMENDMENT.] That Section 8 of Chapter 155 of the Session Laws of North Dakota for the year 1927 is hereby amended and re-enacted to read as follows:

§ 8. LICENSE. HOW OBTAINED, FEE.] A license must be obtained through the Commission to expire on the first day of August of each year for each public warehouse in operation in this State. No license so issued shall describe more than one public warehouse nor grant permission to operate any other public warehouse than the one described therein. The license fee, which must accompany the application, is hereby fixed at ten dollars for each warehouse. The fees collected under this Act shall be paid into the State Treasury and credited to the general fund of the State. Provided, however, that in the event a public warehouseman operates more than one such warehouse in the same city, town, village or siding, where such warehouses are operated in conjunction with each other, and with the same working force, and where but one set of books and records is kept for all such warehouses, and but one series of cash slips, scale tickets, storage tickets, and checks are issued for grain stored therein, only one license shall be required for the operation of all such warehouses.

Approved March 11, 1931.

CHAPTER 225

(S. B. No. 191—Gronvold.)

LICENSE EXEMPTIONS PUBLIC WAREHOUSES

An Act to amend and re-enact Section 3148 of the Compiled Laws of North Dakota for the year 1913, relating to licensing of public warehouses and exemptions therefrom.

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

§ 1. AMENDMENT.] That Section 3148 of the Compiled Laws of North Dakota for the year 1913, is amended and re-enacted to read as follows:

§ 3148. TO WHOM APPLIED.] This article shall not be construed to apply to any implement transfer company, or to any garage storing motor vehicles for hire for the owners thereof, or to any railroad or transportation company; provided, such railroad or transportation company shall, within forty-eight hours after receipt of such goods, wares and merchandise, notify the consignee of the arrival thereof in writing, and in case such consignee, or his assignee, fails and neglects to call for or receive said goods, wares or merchandise within thirty days after such receipt of same by any railroad or transportation company as aforesaid, said railroad or transportation company must turn over said goods, wares or merchandise to a licensed bonded storage company or warehouseman in the city, town or village in which said goods, wares or merchandise are then located, if any there be, and if not, to the licensed bonded storage company or warehouseman in the city, town or village on the line of the carrier nearest to the place where such goods, wares or merchandise are then located, upon the payment of the charges of said carriers thereon, which charges thus paid by said bonded storage company or warehouseman to said carriers shall be a lien on said goods, wares or merchandise.

Approved March 11, 1931.

CHAPTER 226

(H. B. No. 213—Lavik and Acheson.)

REDEMPTION WAREHOUSE STORAGE TICKETS

An Act to amend and re-enact Section 31 of Chapter 155 of the 1927 Session Laws of the State of North Dakota relating to the redemption of storage tickets upon transfer of warehouse.

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

§ 1. AMENDMENT.] That Section 31 of Chapter 155 of the 1927 Session Laws of the State of North Dakota be amended and re-enacted to read as follows:

§ 31, Chapter 155. TRANSFER OF WAREHOUSE. REDEMPTION OF STORAGE TICKETS.] Whenever the owner, lessee or manager of a public elevator or warehouse licensed to do business in this State, desires to transfer said elevator or warehouse, either by sale or lease to any other individual, firm or corporation, he shall first notify the Commission of his intention to transfer said elevator or warehouse, giving the name and address of the proposed lessee or purchaser, and shall furnish a statement of all proper claims that may be filed or pending against said person, firm, corporation or association as pertaining to the storage, inspection and marketing of grain during the term of said license, together with a statement of the number of bushels of grain of each kind and grade in store in said elevator or warehouse, and of the number and amount of storage tickets outstanding, and the names and addresses of such ticket holders; he shall by registered return mail serve not less than 30 days notice upon all storage receipt holders having claims against his warehouse to call for delivery of the grain covered by such storage receipts, paying all storage charges due, warehouseman to make no charge for redelivery. All stored grain undelivered at the expiration of such 30 day period, shall be transferred by warehouseman to his successor if licensed, or to the nearest licensed warehouse for re-storage, taking receipt or receipts for same in favor of the owner or owners of the grain so transferred, such re-storage receipts to be filed with the Commission until called for by the owners. He shall surrender to the Commission his license for cancellation and the proposed lessee or purchaser shall apply in due form for a new license and tender a new bond for approval by the Commission, whereupon, it, first being duly satisfied that all of the outstanding storage tickets have been redeemed, or that the redemption thereof has been provided for, may issue a new license for the unexpired portion of the license period to said lessee or purchaser. No sale, lease or transfer of any elevator or warehouse, will be recognized or permitted by the Commission except where made in accordance with the above provision.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1931.

CHAPTER 227
(S. B. No. 222—Watt.)

**STORAGE, DELIVERY CHARGES, ETC., PUBLIC
WAREHOUSEMEN**

An Act to amend and re-enact Section 18 of Chapter 155, Session Laws of North Dakota for 1927; providing for the regulation of storage and delivery charges of public warehousemen and providing for the form of receipt to be issued by such warehousemen.

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

§ 1. AMENDMENT.] That Section 18 of Chapter 155 of the Session Laws of North Dakota for 1927 is hereby amended and re-enacted to read as follows:

§ 18. STORAGE AND DELIVERY CHARGES. TERMINAL DELIVERY.] Every public warehouseman shall receive for storage, so far as the capacity of his warehouse will permit, all grain tendered to him without discrimination of any kind, provided, that such grain is sound and in a warehouseable condition. Upon date of delivery of grain for storage a warehouse receipt shall be issued to the owner or his agent, which shall state the place and date when the grain was received, the name of the owner of the grain, the kind and grade of the grain according to the official standards established by the Secretary of Agriculture of the United States, the gross weight, dockage, and net weight of the grain as per North Dakota standard weight. All receipts shall be consecutively numbered, and no two receipts bearing the same number and series shall be issued during the same year. No receipt shall be issued except upon actual delivery of grain into such warehouse. No warehouseman shall insert in any such receipt any language in any wise limiting or modifying his liability as imposed by the laws of this state. Such receipt shall contain either on its face or reverse side the following specific warehouse and storage contract:

“This grain is received, insured and stored subject to the following charges: one thirty-sixth of one cent per net bushel per day; provided, however, that no storage shall be charged for grain so stored for fifteen days from date of delivery. Upon surrender of this receipt and payment or tender of a delivery charge per gross bushel of three cents on flax, two cents on wheat or rye, and two cents on other grains, and all other stated lawful charges accrued up to the time of said surrender of this receipt, the above amount, kind and grade of grain will be delivered to the person named above or his order as rapidly as due diligence, care and prudence will permit. At the option of the holder of this receipt, the amount, kind and grade of grain for which this receipt is issued shall, on his demand, be delivered back to him, at any terminal point customarily shipped to, or at the place where received, upon the payment of the above

charges for receiving, handling, storage and insurance; and in case of terminal delivery, the payment in addition to the above, of the regular freight charges on the gross amount called for by this ticket, or in lieu thereof, a receipt issued by a bonded warehouse or elevator company doing business at such terminal point. Nothing in this receipt shall be construed to require the delivery of the identical grain specified herein, but an equal amount of grain of the same kind and grade, shall be delivered to him."

Public warehousemen may also insert in the said receipt the following provision:

"If any of the grain embraced in this receipt shall prove to be covered by a chattel mortgage or other lien, or the partial or absolute title prove to be in some other than the person to whom this receipt was issued, the same shall, if discovered before the delivery of the grain, be sufficient reason for the refusal to deliver to the holder of the receipt, or if discovered after the delivery of the grain such delivery shall be deemed an over delivery for which said holder of this receipt, to whom such delivery is made, shall be accountable."

Provided, further, that grain placed in a special bin shall be excepted from the provisions of this section.

Approved March 18, 1931.

CHAPTER 228

(H. B. No. 71—Isaac and Plath.)

TERMINATION PUBLIC WAREHOUSE GRAIN STORAGE CONTRACTS

An Act relating to the termination of storage contracts on grain in public warehouses; providing for renewal of storage receipts and permitting the sale of sufficient stored grain to cover accrued storage charges.

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

§ 1. All storage contracts on grain in store at public grain warehouses shall terminate on June 30th of each year. Storage on any or all such grain may be terminated by the owner at any time before the date mentioned herein by the payment of all legal charges and the surrender of the storage receipt, together with a demand for delivery of such grain, or notice to the warehouseman to sell the same.

In the absence of a demand for delivery, an order to sell, or a mutual agreement for the renewal of the storage contract, entered into prior to the expiration of the storage contract, the warehouseman shall, upon the expiration of the storage contract, sell, at the local market price on the close of business on that day, sufficient of said stored grain to satisfy all accrued storage charges thereon and also advances upon and liens against such storage contract, and shall issue

a new storage receipt for the balance of said grain to the owner thereof upon the surrender of the old storage receipt, properly cancelled.

Provided, however, that in computing storage charges on grain covered by storage receipt which is surrendered for cancellation on June 30, for a new receipt, as provided above, no elevator or its agent shall be entitled to more than ten cents (10¢) storage per bushel for any twelve month period dating from day of original delivery of said grain. On or before June 1st of each year the warehouseman shall notify by mail the person in whose name the grain was stored, of his intention to make such sale, and for this purpose at the time of the issuance of each storage receipt, the postoffice address of such person to whom such receipt was issued, shall be inserted therein.

§ 2. Upon the payment of all legal accrued charges and the return of the storage receipt, the public grain warehouseman and the storage receipt holder may enter into an agreement for the renewal of such storage. When such renewal is agreed to, the warehouseman shall issue a new storage receipt to the owner and cancel the former receipt by endorsing thereon the words "Cancelled by the issuance of storage receipt No.....," inserting the number of the new storage receipt thereafter. The cancelled storage receipt shall be signed by the warehouseman, his agent or manager, and the holder.

§ 3. There shall be printed upon all warehouse receipts the following words: "All storage contracts on grain in store at public grain warehouses shall terminate on June 30th of each year. If storage charges and advances remain unpaid at the time of such termination, the warehouseman reserves the right to sell sufficient of said grain to pay such charges, and advances."

§ 4. All acts, or parts of acts, in conflict herewith are hereby repealed.

Approved March 10, 1931.