

# MANY RULES ON GRAIN SELLING ARE DECLARED

## State Commission Promulgates Statement of the Year's Finding.

Bismarck, N. D., Jan. 10.—The following is a synopsis of rules regarding the grain trade adopted by the north Dakota board of railroad commissioners at various times during the past year.

In a number of cases where grain dealers have ceased business through sale of elevator, retirement, or in case of fire or insolvency, they have experienced difficulty in calling in outstanding storage tickets, particularly on a rising market, the ticket holders desiring to hold for higher prices. The railroad commission has ruled that a dealer under such circumstances may deposit in the name of the ticketholder in some local bank of good repute the value of the outstanding grain on his storage tickets on the day he quit business and the holder of the ticket is compelled after due notice to accept this price and surrender his ticket, as the commission holds he cannot speculate on the warehouseman's account after the warehouseman has gone out of business. In several instances elevator companies have failed or an elevator has burned and its owner has not resumed business. A question has arisen in such cases as to the date outstanding storage tickets become payable, as that date governs the price to be paid. The railroad commission holds that the date the warehouse was closed or burned shall be the date for redemption of tickets.

Parties have frequently endeavored to inspect the books of elevator companies for one reason or another. The railroad commission has held that such records are private and not open to the public.

Parties holding mortgages on grain warehouses and grain therein have sometimes attempted, through assignment by mortgagor, to collect the insurance on stored grain. The railroad commission holds that insurance on stored grain in the warehouse, or in transit, is a trust fund for the benefit of the owner of the grain.

According to a recent ruling of the railroad commission warehouses cannot charge storage on grain or for elevating it during the first 20 days, if the warehouseman buys the grain. If the grain is redelivered to the holder of storage ticket these charges may be made.

Heretofore the railroad commission has held that where one elevator in a town does not charge storage on stored grain competitors may follow suit, but in no case can free storage be given one patron and not another. The subject of storage will be made a matter of conference by the railroad commission with the grain dealers of the state in the near future and a rule will be laid down as to whether or not storage charges shall be made compulsory in all cases. The law is ambiguous on this point.

Section 3112, compiled laws of 1913, prohibits the issuance by grain elevator companies of storage tickets except for grain actually delivered. Frequently banks or others have advanced money on storage tickets issued as security for the loan by the elevator company which did not represent an actual delivery of grain. The railroad commission holds this to be an illegal transaction.

The railroad commission holds it to be unlawful for elevator companies to place on storage tickets any notation modifying the grade fixed or liability incurred.

Special tickets for grain stored in special bins and in different color from the ordinary ticket is permitted by the railroad commission.

Favorable decisions have been made by the courts in cases brought by holders of grain storage tickets against the bond securing same. All ticket holders, however, must unite in the suit. When asked to do so by the ticket holders in cases of bankrupt grain companies, the railroad commission will use its good offices in collecting from the surety free of charge. In this way the delays and the expense of costly litigation have been obviated to both parties to the issue during the past two or three years.

The bond furnished the state by elevator companies is supposed to take care of all the stored grain received by a company. It frequently happens that the amount of grain to the elevator makes it necessary to ship out some or all of the stored grain, and a question has arisen to what extent this may be done. The railroad commission takes the view that elevators may ship out stored grain to the amount of the bond, (\$5,000), and no more, and that whenever the stored grain on hand and the amount of the bond falls to equal the amount of all stored grain, additional bonds must be furnished the state.

Stored grain shipped to a commis-

sion house having a private claim against the warehouseman cannot be converted, according to the ruling of the railroad commission, to the settlement of such claim to the disadvantage of the owners of the grain and the surety company bonding the elevator company.

According to the North Dakota law, holders of grain storage tickets may receive delivery at any grain terminal, or may demand return of the actual grain. In the latter case elevator companies must ship in the grain for delivery if it is not in the warehouse, says the railroad commission.

In the past it has been the practice in many instances, for the railway companies to charge the cost of extending industry tracks to elevator sites granted after the original sidetrack has been built. The railroad commission holds that it is the duty of a railway company to furnish trackage of its own sufficient to take care of its traffic and the industries contributing thereto, and that it would be manifestly unfair to permit a company to furnish trackage free to the elevators on the siding built at an earlier date and to require a new

elevator company to pay for the extension of the industry track to be used in caring for general traffic. This ruling is based upon the law of 1890, chapter 189, section 3, which requires every railway to furnish "reasonable sidetrack facilities" for elevators and warehouses upon its right of way. In several instances the railroad commission has secured refund of sums paid for such industry track extensions.

The railroad commission has held that buying grain "freight off" is not illegal unless it can be proved it has been done to put a competitor out of business.

In the matter of car distribution the railroad commission rules that empty cars must be delivered to elevators and others according to the amount of grain offered for shipment in good faith. In other words, if one elevator has five times as much grain to offer on shipment on a certain day as another elevator, it is entitled to five times as many cars as the other houses, and the general practice of apportioning the cars equally among the various houses, regardless of the amount of grain each of them has to

## CARRINGTON PLANT CHANGES HANDS

Carrington, N. D., Jan. 10.—The Carrington Light Heat and Power company has disposed of its holdings to the United States Public Service company of Minneapolis, the deal becoming effective February 1. The plant is one of the best in central North Dakota. No announcement of the price paid has been made.

## DEATH CAUSED BY BRIGHT'S DISEASE

Devils Lake, N. D., Jan. 10.—After three months of suffering with Bright's disease, John Cadigan died at the home of his sister, Mrs. William Redmond. Death has been expected for some time owing to the severity of the disease and would have occurred sooner were it not for the strong vitality of the man who lingered past even the most sanguine hopes of his physicians. John Cadigan was born at Bellows

Falls, Vt., 27 years ago and came to this city with his parents who were Devils Lake pioneers.

## NARROW ESCAPE WHEN OIL EXPLODES

Souris, N. D., Jan. 10.—While thawing out a frozen pump, Geo. Seufert tried to coax the fire with a can of gasoline. The gasoline exploded. The burning gasoline set him afire, but a snowbank near by came to the rescue.

## DOUBLE TEACHING IS BIG PROBLEM

Winnipeg, Man., Jan. 10.—Abolishment of bilingualism, the greatest educational problem before the present legislature of Manitoba, is opposed by the Ruthenians, who comprise the greatest portion of the province's foreign population. A deputation of Ruthenians waited on Premier Norris Saturday, urging him not to support the abolishment. The teaching of two languages in the schools of the province has been a live topic for years. The last govern-

ment granted the right to such double work, and it is understood that the Norris government is in favor of abol-

ishing the present system. The problem will bring on a hot fight at this session of the legislature.

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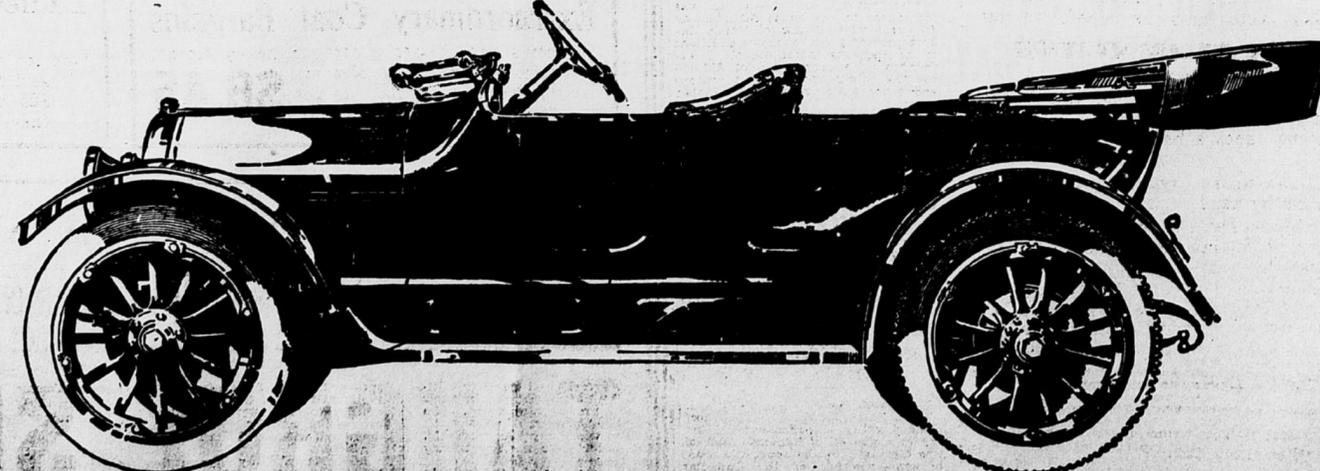
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In six months we've absorbed all the overhead; absorbed all the development expense; realized on all the experimental cost that is usually spread over a year.  
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You can now buy the big, roomy, comfortable, thirty-five horsepower Overland for \$695.  
Here is the value which has clearly dominated the automobile market for the last six months—now made even more clearly dominant.  
Here is the car with a performance record never even approached by any car of its size ever built—fifty thousand in every day service.

And though the price is reduced the car is improved.  
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