

LAWS.

CHAPTER 74.

[H. B. No. 224.]

PROVIDING FOR COMPILATION OF THE LAWS.

AN ACT Providing for the Compilation, Revision and Codification of the Laws of North Dakota, and the Publication and Distribution and Sale Thereof, and to Repeal Chapter 82 of the Laws of 1891 in Relation Thereto.

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

§ 1. APPOINTMENT OF COMMISSIONERS.] That as soon as practicable after the adjournment of the third regular session of the Legislative Assembly the Governor shall appoint three revising commissioners, who shall be competent and reputable attorneys of this State, learned in the law, and each of whom shall qualify by taking the Constitutional oath of office and filing the same in the office of the Secretary of State, and shall hold his office for the term of two years or until the duties herein prescribed shall be duly performed unless sooner determined by law; said commissioners shall constitute a board to be known as the Revising Commission, a majority of whom shall determine all questions properly arising before said board, but in case any vacancy shall occur in the office of either, the Governor shall fill the same by appointment; *Provided, however,* That it shall be his duty before making any appointment herein contemplated, to consult and advise with the judges of the Supreme Court as to the person or persons who ought to receive such appointment, and the qualifications and relative fitness of persons proposed therefor.

§ 2. TO HAVE CHARGE OF PREVIOUS REPORT.] The Revising Commission, while engaged in the performance of its duties, shall have charge of the report of the Compilation Committee made to this session of the Legislative Assembly; shall be furnished with suitable office room and other facilities in the city of Bismarck at public expense, and may whenever it shall deem necessary, employ a competent clerk and stenographer.

§ 3. DUTY OF COMMISSIONERS.] It shall be the duty of the Revising Commissioners:

First. To examine the laws reported by said committee for compilation and compare the same with the statutes of Dakota Territory and the State of North Dakota with due reference, also,

to the Constitution and such other enactments as may effect their validity, and make convenient notes of reference indicating what statutes or parts of statutes not in force, if any, are now included therein, what statutes or parts of statutes still in force are omitted therefrom, what changes are necessary by reason of the enactments of this session of the Legislative Assembly, and generally what inconsistent, conflicting or superfluous provisions are to be found in the existing laws, and what statutes or parts of statutes are of doubtful force or validity, and make such further investigation as may be necessary to bring before them the real state of the law.

Second. To revise the law generally, by rejecting all unnecessary, inharmonious, obsolete or otherwise objectionable enactments, and reporting them in proper bill form for the purpose of repeal to the Fourth Session of the Legislative Assembly, and adopting only those statutes or parts of statutes, in distinct sections, which do not require change, and by preparing anew and embodying in connection therewith, upon any particular subject wherein it may be found necessary, such other provisions as may be required to avoid uncertainty and harmonize and complete the law according to its true intent; and all newly prepared matter so introduced shall be reported to the Fourth Legislative Assembly in the form of appropriate bills for enactment or re-enactment, each of which shall designate by the proper number or numbers the section or sections of the Revised Code for which it is intended.

Third. To codify the laws so adopted and revised by excluding the titles, enacting clauses, and other formal and unnecessary parts of the several statutes in their original form, and including only the substantive enactments, and by classifying and arranging them in distinct sections and chapters, and with such other subdivisions as may be deemed proper, under the following general titles, namely: The Political Code, the Civil Code, the Code of Civil Procedure, the Probate Code, the Justices' Code, the Penal Code and the Code of Criminal Procedure, in which the sections shall be designated by a progressive series of numbers from one upward through all of said codes, without regard to any former numbering thereof, and the chapters shall be numbered in like manner through each code.

Fourth. To prepare the same in proper form to be used by the printer for publication in one octavo volume, to be known as the Revised Codes of North Dakota, with proper titles, sub-titles, numbers and marginal notes, duly introduced, prefixed and arranged with reference to the subject matter; but no syllabic references shall be prefixed at the heads of chapters or subdivisions of chapters, or annexed as marginal notes, but in lieu thereof there shall be prefixed to each section, immediately after its designating number, apt words briefly indicating the subject matter thereof, and such number and "catch" words shall be printed in

heavy faced type; and there shall be set opposite each section brief marginal notes referring to the corresponding section and amendments thereto, if any, or former enactment as found in the codes or statutes of Dakota Territory, or statutes of North Dakota, and indicating also whether the section to which they are annexed is adopted without change, or as a modification of, or substitute for, the former enactment referred to.

§ 4. PRINTING AND INDEXING.] As soon as practicable after the adjournment of the Fourth regular session of the Legislative Assembly, said Revising Commissioners shall complete their codifications by incorporating therein the general laws passed at said session in the manner hereinbefore prescribed, and revising the numbering thereof if necessary, and prepare and add to the same an accurate and comprehensive index, and such other facilities for reference as they may deem proper, and secure the printing and binding of 2,500 copies of said volume of the Revised Codes, in which there shall be also printed the Constitution of the United States, the Enabling Act and the Constitution of the State of North Dakota, and the whole shall be bound in law sheep on heavy paper covers. They shall also supervise the printing and binding thereof, by carefully correcting and revising the proof sheets as they issue from the press, and by final proof reading before binding, and by otherwise taking care that the work is well and faithfully executed.

§ 5. PROVISIONS FOR PRINTING AND BINDING.] The contract for such printing and binding shall be made, subject to the approval of the Governor, with the lowest and best bidder for the work, after advertisement for proposals in at least three newspapers of this State for one month prior to the letting thereof, and shall designate the size of the volume, the kind and quality of paper, the quality and style of binding and style and sizes of type to be used in the work, and the commissioners shall require such security as they shall deem sufficient for its faithful execution, and shall have power to reject any or all proposals and readvertise and secure further bids.

§ 6. PAYMENTS TO PRINTER.] Said commissioners shall certify to the Governor the amounts payable on their contract for printing and binding as they become due, and upon the Governor's approval thereof the Auditor shall issue his warrants upon the Treasurer for the sums so certified.

§ 7. REVISED CODES—GOVERNOR'S PROCLAMATION.] The printed copies shall be delivered when completed to the Secretary of State, and the Governor shall issue his proclamation announcing the delivery and his acceptance of such copies, and thirty days after the date of his proclamation said Revised Code shall take effect and thereafter be in force and be received as evidence of the laws of this State in all courts thereof.

§ 8. DISTRIBUTION OF COPIES—PRICE.] The Secretary of State shall make distribution of said printed copies pursuant to the law

for distribution of the Session Laws, and shall hold for sale and sell the remaining copies to residents of the State for the price per copy paid for printing and binding, and to other persons at 25 per cent. higher price.

§ 9. COMPENSATION OF COMMISSIONERS.] Each of said commissioners shall receive compensation for his services performed under the provisions of this act in the sum of \$2,500 per year, due and payable quarterly at the end of each quarter, upon duly verified accounts and vouchers approved by the Governor, and their incidental expenses for postage, stationery or other matters in the performance of their duties shall be paid in like manner. Their clerk shall receive compensation at the rate of \$1,200, and stenographer \$800 per year, due and payable in like manner upon accounts certified by the commissioners, and the Auditor is hereby directed to draw his warrants upon the State Treasurer accordingly.

§ 10. REPEAL.] Chapter 82 of the Laws of 1890, State of North Dakota, entitled "An Act to Provide for the Compilation, Publication, Distribution and Sale of the Laws of the State of North Dakota," approved March 10, 1891, is hereby repealed.

§ 11. EMERGENCY.] Whersas, An emergency exists in this that it is necessary that the appointments herein contemplated shall be made long prior to July 1, 1893; therefore, this act shall take effect and be in force from and after the date of its passage and approval.

Approved, March 1, 1893.

MINIMUM SENTENCE.

CHAPTER 75.

[S. B. No. 48.]

MINIMUM SENTENCE TO PENITENTIARY.

AN ACT Fixing the Minimum Time for Which Offenders May be Committed to the Penitentiary.

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

§ 1. MINIMUM SENTENCE.] The district courts of this State shall not sentence any person convicted of crime to be confined in the Penitentiary unless such confinement covers a period of at least one year; and in all cases of conviction for crime hereafter arising, in which the sentence of the court is imprisonment for a less time than one year, such imprisonment shall be in the jail of