

# RAPE.

## CHAPTER 149.

[H. B. No. 84—Bostrom.]

### DEFINING RAPE.

AN ACT to Amend Sections 7156, 7159, 7160 and 7166, of Chapter 27, Revised Codes of 1899, Defining Rape, Abduction, Carnal Abuse of Children and Seduction.

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

§ 7156. RAPE DEFINED.] Rape is an act of sexual intercourse, accomplished with a female not the wife of the perpetrator, under either of the following circumstances:

1. When the female is under the age of eighteen years.
2. When she is incapable, through lunacy or any other unsoundness of mind, whether temporary or permanent, of giving legal consent.
3. When she resists, but her resistance is overcome by force or violence.
4. When she is prevented from resisting, by threats of immediate and great bodily harm, accompanied by apparent power of execution.
5. When she is prevented from resisting by an intoxicating, narcotic or anesthetic agent, administered by or with the privity of the accused.
6. When she is at the time unconscious of the nature of the act, and this is known to the accused.
7. When she submits under the belief that the person committing the act is her husband, and this belief is induced by artifice, pretence or concealment practiced by the accused, with intent to induce such belief.

§ 7159. RAPE IN FIRST DEGREE DEFINED.] Rape committed upon a female under the age of eighteen years, or incapable through lunacy or any other unsoundness of mind, of giving legal consent, or accompanied by means of force overcoming her resistance, is rape in the first degree.

§ 7160. RAPE IN SECOND DEGREE DEFINED.] In all other cases rape is of the second degree; but no conviction can be had in case the female is over the age of eighteen years and the male under the age of twenty years at the time of the act of intercourse, and it appears to the satisfaction of the jury that the female was sufficiently matured

and informed to understand the nature of the act and consented thereto.

§ 7166. ABDUCTION FOR PROSTITUTION.] Every person who takes away any female under the age of eighteen years, from her father, mother, guardian or other person having legal charge of her person, without the consent of such father, mother, guardian or other person having legal charge of her person, or any friendless female under the age of eighteen years, either for the purpose of concubinage or prostitution, is punishable by imprisonment in the penitentiary not less than one and not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both.

Approved March 10, 1903.

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## REAL ESTATE.

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### CHAPTER 150.

[H. B. No. 275—Ryan.]

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#### EXECUTION, ACKNOWLEDGMENT AND LEGALIZATION OF INSTRUMENTS.

AN ACT Prescribing Who May Execute Assignments, Discharges, Satisfaction, Etc., of Liens on Real Estate on Behalf of Corporations, and Legalizing Prior Like Instruments.

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

§ 1. WHO MAY EXECUTE.] Any officer of any foreign or domestic corporation may execute and acknowledge in its behalf assignments of, releases of, satisfactions of, or other instruments affecting liens upon real estate.

§ 2. PRIOR INSTRUMENTS LEGALIZED.] All assignments of, releases of, satisfactions of, or other instruments affecting liens upon real estate heretofore executed and acknowledged in good faith by any officer of any foreign or domestic corporation in its behalf, are declared valid and effectual to the same extent as they would have been had section 1 hereof been in force at the time of their execution.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is no adequate law relating to this subject, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1903.