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## BRANDS

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### CHAPTER 51.

[S. B. No. 317—Leutz]

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#### CANCELLING BRANDS.

AN ACT to Provide for the Cancellation of Legally Recorded Brands in the Office of the Commissioner of Agriculture and Labor.

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

§ 1. SHALL CANCEL BRAND.] The commissioner of agriculture and labor shall cancel a legally registered brand only when he receives for file a bill of sale therefor, properly executed by the record owner, as shown by the registers in his office.

§ 2. EMERGENCY.] Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1909.

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## CIGARETTES

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### CHAPTER 52.

[S. B. No. 144—LaMoure]

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#### MANUFACTURE AND SALE PROHIBITED.

AN ACT to Prohibit the Manufacture, Sale or Use of Adulterated Cigarettes and Prohibiting the Use of Tobacco by Minor Persons and by all Minor Pupils of Public Schools, and Providing Penalties Therefor.

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

§ 1. ADULTERATION PROHIBITED.] Any person within the state who manufactures, sells or gives to any one, or uses any cigarette containing any substance foreign to tobacco, shall be punished by a fine of not more than fifty dollars or imprisonment in a county jail for not more than thirty days.

§ 2. PENALTY.] Any person within this state who sells, gives to or in any way furnishes any cigarette, cigars or tobacco, in any form to any person under eighteen years of age, except upon written order of parent or guardian, or to any minor pupil in any school, college or university, shall be punished by a fine not to exceed fifty dollars or imprisonment in the county jail not to exceed thirty days for each offense.

§ 3. USE OF BY MINORS PROHIBITED.] Any person under eighteen years of age, or any minor pupil, as described in section two of this act, who shall smoke or use cigarettes, cigars or tobacco in any form on any public highway, street, alley, park or other lands used for public purposes, or in any public place of business, shall be arrested by any officer of the law, who may be cognizant of such offense and it shall be the duty of all such officers, upon complaint of any citizen, to arrest such offenders, without warrant, and take them before the proper court. The court shall impose a punishment at its discretion, in a sum not to exceed ten dollars, or imprisonment in the county jail not to exceed five days for each offense; provided, if said minor person shall give information which may lead to the arrest of the person or persons violating the provisions of section two of this act, in giving to, selling or in any way furnishing said minor person tobacco, and shall give evidence as a witness in such proceedings against said party or parties, the court shall have power to suspend sentence against such minor person.

§ 4. UNLAWFUL TO CONGREGATE TO USE. PENALTY. EXCEPTION.] Any person who harbors or grants to persons under eighteen years of age, or to minor pupils as described in section two of this act, privilege of gathering upon or frequenting any property or lands held by him, for the purpose of indulging in the use of cigarettes, cigars or tobacco in any form, shall be held in the same penalty as provided for in section two of this act; provided, that no part of this act shall be so construed as to interfere with the rights of parents or lawful guardians in the rearing and management of their minor heirs or wards, within the bounds of their own private premises.

§ 5. OFFENSES, HOW INVESTIGATED.] Grand juries and state's attorneys shall have full inquisitorial powers over offenses committed under this act.

§ 6. REPEAL.] All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved February 26, 1909.