

mony so taken shall be used upon any trial or hearing in behalf of his executors, administrators, heirs-at-law or next of kin, then the other party shall be a competent witness as to any and all matters to which the testimony so taken relates; provided, further, that in any action or proceeding by or against any surviving husband or wife touching any business or property of either, or in which the survivor or his or her family are in any way interested, such husband or wife shall be permitted, if they shall so desire, to testify under the general rules of evidence as to any or all transactions and conversations had with the deceased husband or wife during their life time touching such business or property.

§ 2. EMERGENCY.] Whereas, an emergency exists in that under the present statutes a surviving husband or wife may be embarrassed by the rules of evidence now in effect; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 18, 1909.

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## EXECUTIONS

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### CHAPTER 110.

[H. B. No. 194—Hendrickson]

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#### JURY AT EXECUTIONS.

AN ACT Providing for a Jury to Be Official Witnesses of the Execution of Persons Executed at the State Penitentiary; Providing for Guards to Act as Death Watch Over Condemned Prisoners.

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

§ 1. WITNESSES OF EXECUTION.] It shall be the duty of the warden of the state penitentiary to summon a jury of three men, one of whom shall be a regularly licensed physician, whose duty it shall be to witness the execution and infliction of the death penalty on every person condemned to death and executed at the state penitentiary, and to examine the body of the condemned person after the execution has been performed, and to render their verdict in writing as soon as they are convinced that life is extinct. The warden shall attach this verdict to his return, and shall keep a verified copy on file at the penitentiary. Each juror shall receive a fee of six dollars, and no mileage, for his services.

§ 2. DEATH WATCH.] It shall be the duty of the warden of the state penitentiary to appoint two men to act as the death watch whenever a person is committed to the penitentiary to be executed.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there are persons condemned to death, and no provision of law exists authorizing the summoning of a jury to witness an execution, therefore this act shall take effect from and after its passage and approval.

Approved March 16, 1909.

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## EXPERIMENT STATIONS

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### CHAPTER 111.

[H. B. No. 316—Sgutt]

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#### HARVEY SUB-STATION.

AN ACT Creating and Establishing an Agricultural Experiment Station to be Located at or Near the City of Harvey, in Wells County, in Connection With the North Dakota Agricultural College, at Fargo, and Under the Direction of the Board of Directors of Said College and Making an Appropriation Therefor.

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

§ 1. CREATED.] There is hereby created and established a state agricultural experiment station to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college.

§ 2. EXPERIMENTS TO BE MADE.] It shall be the duty of said board of directors at said station to make experiments with native and other grasses and forage product, as well as other agricultural products of the soil, with a view of improving and enlarging the supply of forage of the surrounding district, and extending and increasing the agricultural products thereof; provided, that said experiments shall not be undertaken, nor said station established, unless a suitable area of land, not less than one hundred and sixty acres within two miles of the city of Harvey shall be donated free of charge by warranty deed to the state of North Dakota.

§ 3. APPROPRIATION.] There is hereby appropriated out of the funds of the state treasury not otherwise appropriated, the sum of ten thousand dollars for the purpose of establishing said station and conducting said experiments.

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#### PARTIAL VETO.

Bismarck, March 20, 1909.

*To the Honorable, the Secretary of State:*

I file herewith house bill No. 316, a bill for an act creating and establishing an experiment station at or near the city of Harvey in