

animal infected or suspected of being infected with any contagious or infectious disease, immediately to confine the same in a safe place, isolated from all other animals and with all necessary restrictions to prevent the dissemination of the disease, until the arrival of an accredited agent of the live stock sanitary board.

§ 2. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, under the act amended the proper disposal of animals affected with certain diseases is rendered impossible, an emergency is declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1909.

MARRIAGES

CHAPTER 163.

[S. B. No. 298—Overson]

VALIDATING LICENSES.

AN ACT to Amend and Re-enact Section 9015 of the Revised Codes of North Dakota for 1905, Validating Marriages Performed Without Authority or Where Licenses Have Been Issued by a Clerk of the County Court.

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

§ 1. AMENDMENT.] Section 9015 of the revised codes of North Dakota for 1905 is amended and re-enacted to read as follows:

§ 9015. WHEN MARRIAGE WITHOUT AUTHORITY VALID.] No marriage shall be void by reason of being performed without authority, or on account of the marriage license being issued by a clerk of the county court, if otherwise lawful and the parties thereto, or one of them, believes it lawful. All marriages otherwise lawful heretofore solemnized where marriage licenses have been issued by a clerk of the county court are hereby declared valid.

Approved March 15, 1909.

CHAPTER 164.

[S. B. No. 60—Crane]

MISCEGENATION.

AN ACT to Prevent Miscegenation, by Prohibiting the Marriage of White Persons to Negro Persons, by Prohibiting Negro Man and White Woman, or Negro Woman and White Man, Occupying the Same Room; by Prohibiting Adultery or Fornication between Whites and Negroes; by Prohibiting the Issuing of Marriage Licenses for White Persons to Negro Persons; by Prohibiting the Performance of the Marriage Ceremony Between White Persons and Negroes; by Prescribing Penalties for Violations of the Provisions of This Act, and Defining a Negro Person.

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

§ 1. MARRIAGES BETWEEN WHITE AND NEGRO PERSONS.] It shall be unlawful for any white male person, residing or being in this state, to intermarry with any negro female person; and it shall be in like manner, unlawful for any white female person residing or being in this state, to intermarry with any negro male person, and every marriage hereafter formed and solemnized in contravention of the provisions of this section shall be utterly null and void, and either or both of the contracting parties to such surreptitious marriage shall be punished by imprisonment in the state penitentiary for a term not exceeding ten years, or by a fine not exceeding two thousand dollars or by both fine and imprisonment.

§ 2. DEFINITION OF NEGRO PERSON.] Every person who shall have one-eighth or more of negro blood shall be deemed and held to be a colored person or negro.

§ 3. ISSUING LICENSE OF MARRIAGE BETWEEN NEGROES AND WHITES.] If any county judge shall knowingly issue a marriage license for a white person to marry a negro person, within the meaning of section two of this act, he shall be punished by imprisonment in the state penitentiary for a term not exceeding two years or by a fine not exceeding two thousand dollars, or by both fine and imprisonment.

§ 4. PERFORMING MARRIAGE CEREMONY BETWEEN NEGROES AND WHITES.] If any judge, justice of the peace, priest or any person authorized to solemnize the rites of matrimony shall knowingly perform the ceremony of marriage for any white person with a negro person within the meaning of this act, he shall be punished by imprisonment in the state penitentiary for a term not exceeding two years or by a fine not exceeding two thousand dollars or by both fine and imprisonment.

§ 5. CERTAIN MARRIAGES BETWEEN WHITES AND NEGROES DECLARED VALID.] In all cases where marriages have been contract-

ed or solemnized between white persons and negroes in this state prior to the taking effect of this act and where the parties thereto have continued to live together as man and wife up to that date, such marriage shall be held valid to all intent and purposes.

§ 6. NEGRO MAN AND WHITE WOMAN OR WHITE MAN AND NEGRO WOMAN OCCUPYING SAME ROOM.] Any negro man and white woman or any white man and negro woman who are not lawfully married to each other who shall live in and occupy the same room, shall each be punished by imprisonment in the state penitentiary for a term not exceeding twelve months or by a fine not exceeding five hundred dollars or by both fine and imprisonment.

§ 7. WHITE PERSONS AND NEGROES LIVING IN ADULTERY OR FORNICATION.] If any white person and negro shall live in adultery or fornication with each other, each shall be punished by imprisonment in the state penitentiary for a term not exceeding twelve months or by a fine not exceeding five hundred dollars or by both fine and imprisonment.

Approved March 13, 1909.

MILITIA

CHAPTER 165.

[H. B. No. 351—Baker, of Stark.]

THE MILITARY CODE.

AN ACT to Provide a Military Code for the State of North Dakota.
Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. PERSONS SUBJECT TO MILITIA DUTY. EXEMPTIONS.] All able bodied male citizens and able bodied males of foreign birth who have declared their intention to become citizens, who are more than eighteen or less than forty-five years of age, and who are residents of this state, shall constitute the militia, subject to the following exemptions:

1. Persons exempted by the laws of the United States.
2. Persons exempted by the laws of this state.

§ 2. HOW MILITIA SHALL BE ENROLLED.] It shall be the duty of the assessor in each assessor's district in this state, when making the assessment, to make out a list containing the names of all persons in their respective districts liable to perform military duty, and file a copy of such lists with the county auditor when he makes his assess-