

§ 12. STATION TO MAKE REPORT.] The North Dakota agricultural college experiment station, through the state seed commissioner, shall make an annual report to the governor upon the work done under this act, which report shall show the results of the inspection, examinations, analyses or tests made together with the date or dates of said inspection, examinations, analyses or tests, and may include the names of persons, firms or corporations having seeds under such inspection, examination, analysis or test. The said experiment station may also publish bulletins or press reports setting forth results of inspection, examinations, analyses or tests conducted under the provisions of this act, which bulletins or press reports may include the names of the persons, firms or corporations having seeds under such inspection, examination, analysis or test.

§ 13. APPROPRIATION.] There is hereby annually appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand five hundred dollars, to be paid to the treasurer of the North Dakota agricultural college experiment station at Fargo, and the same shall be expended for the equipment of a seed testing laboratory and in carrying out the provisions of this act. Said payment shall be made in four quarterly installments on the first days of July, October, January and April, and the state auditor is hereby authorized and directed to draw his orders for such payments.

Approved March 5, 1909.

SEED GRAIN

CHAPTER 210.

[H. B. No. 12—Kinney, of McLean]

BONDS FOR SEED GRAIN.

AN ACT Authorizing Counties to Issue Bonds or Warrants to Procure Seed Grain for Needy Farmers Resident Therein.

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

§ 1. BONDS AUTHORIZED. PETITION FOR. TIME TO RUN.] In any county of the state where the crops for any preceding year have been a total or partial failure by reason of drouth, hail or other cause, it shall be lawful for the board of county commissioners of such county to issue the bonds of the county under and pursuant to the provisions of this act, and with the proceeds derived from the sale thereof, to purchase seed wheat for the inhabitants thereof who are in need of seed grain and are unable to procure the same, when-

ever said board shall be petitioned in writing so to do by not less than one hundred freeholders resident in the county; and said board at a meeting called as hereinafter provided to consider said petition, shall by a majority vote determine that the prayer of the petitioners should be granted; provided, that all such petitions shall be filed with the county auditor, or county clerk, on or before the fifteenth day of April; and thereupon it shall be the duty of said officer to forthwith call a meeting of the board of county commissioners of his county to consider said petitions; and provided, further, that the total amounts of bonds issued by any county under the provisions of this act shall not, with the then existing indebtedness of the county, exceed the limit of indebtedness fixed by the constitution in such case; that said bonds shall be in denominations of five hundred dollars; shall bear a rate of interest not exceeding seven per cent per annum, payable semi-annually at such place and times as shall be determined by the board, and that all bonds issued under the provisions of this act shall become due and payable in not less than two nor more than five years from the date thereof, the date of maturity to be fixed by the county board at the time of the issuance thereof, with the above limitation.

§ 2. BONDS, HOW EXECUTED.] Such bonds shall be signed by the chairman of the board of county commissioners and be attested by the county auditor, or county clerk, as the case may be, who shall affix the seal of the county thereto and shall have indorsed thereon a certificate signed by the county auditor or county clerk, stating that said bonds are issued pursuant to law and are within the debt limit.

§ 3. BONDS, HOW SOLD.] It shall be the duty of said board to receive sealed proposals for the purchase of said bonds after giving notice for ten days in three newspapers of general daily circulation, published as follows: One in the city of St. Paul, in the state of Minnesota; one in the city of Bismarck, in the state of North Dakota; and one in the county where the bonds are to be issued, if there be one published in such county; if not, then publication may be made in a weekly paper published in said county, if there be one so published, and said bonds shall be sold to the highest bidder for cash; provided, the same shall not be sold for less than their par value; and, provided, further, that the said county may reject all bids and postpone the sale of said bonds for a time not exceeding fifteen days.

§ 4. PROCEEDS PAID COUNTY TREASURER.] The proceeds arising from the sale of said bonds shall be paid by the purchaser thereof to the county treasurer of the county, or to his authorized agent, at the time of the delivery thereof, and such proceeds shall be paid out only on the order of the board of county commissioners.

§ 5. TREASURER GIVES ADDITIONAL BOND.] It shall be the duty of said board to require the county treasurer to give an additional

bond with sureties to be approved by the board, in a sum to be determined by said board, before the proceeds of said bonds are paid into the treasury.

§ 6. TAX LEVIED FOR SINKING FUND. BONDS REGISTERED.] For the purpose of securing prompt payment of the principal and interest of said bonds, there shall be levied by the board of county commissioners at the time and in the manner other taxes are levied, such sums as shall be sufficient to pay such interest, and in addition thereto a sinking fund tax shall be annually levied sufficient to pay and retire said bonds at their maturity, and it shall be the duty of the county treasurer to pay promptly the interest upon said bonds as the same shall fall due. No tax or fund provided for the payment of such bonds, either principal or interest, shall at any time be used for any other purpose; provided, however, that the board of county commissioners may deposit any part or portion of the sinking fund herein provided for, in any bank furnishing satisfactory security to the state of North Dakota, which shall furnish to the county a bond of indemnity to be approved by the board, and receive interest on the same, which shall be credited to the sinking fund. It shall be the duty of the treasurer when said bond or any coupons attached thereto are paid, to cancel the same by writing upon the face thereof the word "paid," and the date of payment. Before the bonds are delivered to the purchaser the treasurer of the county shall register them in a book to be provided for that purpose, known as the bond register, in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom and where payable; provided, that said treasurer shall receive a per centum, at the discretion of the county commissioners, not to exceed one per cent, for the receiving and disbursing of the amount received from the sale of said bonds; said per centum to be covered into the treasury as a part of the salary fund. The board of county commissioners may issue warrants instead of bonds, if in their judgment the best interests of the county are thereby served; provided, that such warrants shall not be issued in any amount to exceed three thousand dollars.

§ 7. PROCEEDS USED EXCLUSIVELY TO PURCHASE SEED GRAIN. The fund arising from the sale of said bonds shall be applied exclusively by the said board for the purchase of seed grain for residents of the county who are unable to procure the same; provided, that not more than one hundred and fifty bushels of wheat or its equivalent in other grain shall be furnished to any one person; provided, further, that in any county in which it is necessary to procure seed grain under the provisions of this act and the parties taking advantage of the same are unable to obtain feed for their stock for the putting in of said seed grain, the county commissioners may, in their discretion, purchase and deliver to such parties who are unable to procure in any other way, such amount of feed as will in their judgment enable said parties to put in their seed; such feed

to be furnished at actual cost, the amount to be paid for such feed to become a part of the seed lien on the crop raised from the seed furnished to such party under the provisions of this act.

§ 8. COMMISSIONERS MAY ISSUE WARRANTS FOR PURCHASE.] In providing for the purchase of seed grain the commissioners may in lieu of issuing bonds, order warrants drawn upon the general fund of the county to pay for the seed grain purchased under the general provisions of this act.

§ 9. APPLICATIONS FOR AID, HOW MADE.] All persons entitled to, and wishing to avail themselves of the benefit of this act, shall file with the county auditor, or county clerk, of the county where said applicant resides, on or before the first day of March an application duly sworn to before said county auditor, or county clerk, or some other officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the applicant has plowed, or prepared for seeding; how many acres the applicant intends to have plowed or prepared for seeding; how many bushels and what kind of grain he will require to seed the ground so prepared as aforesaid; how many bushels of grain the applicant harvested in the preceding year; that the applicant has not procured and is not able to procure the necessary seed grain for the current year; that he desires the same for seed and no other purpose, and that he will not sell or dispose of the same or any part thereof, but will use the same and the whole thereof in seeding the land so prepared or to be prepared for crop. Said application shall also contain a true and full description of all the real and personal property owned by the applicant, and the incumbrances thereon; and a true description by government subdivisions of the land upon which the applicant intends to sow said seed grain. All applications filed under the provisions of this act shall be consecutively numbered and shall be open to public inspection, and no application shall be considered by the board of county commissioners except such as have been made and filed in the manner prescribed in this section; provided, that the board of commissioners may in their discretion consider any application although made after the time so specified.

§ 10. ADJUSTMENT OF APPLICATION, COUNTY COMMISSIONERS MAKE.] The board of county commissioners of each county issuing bonds under the provisions of this act are hereby appointed and constituted a board of examination and adjustment of the applications for seed grain filed under the preceding section, and it shall be the duty of said board to meet at the county auditor or clerk's office on the first Tuesday in March, or as soon thereafter as possible, to examine and consider separately each application filed under the provisions of this act, and to determine who are entitled to the benefits thereof, and the amount to which each applicant is entitled, and said board shall on or before the tenth day of March, deliver and file with the county auditor, or county clerk, its adjustment of the

said applications, which shall be signed by the chairman of the board.

§ 11. CONTRACT FOR RE-PAYMENT. DELINQUENT PAYMENTS EXTENDED ON TAX LISTS.] The county auditor or county clerk of each county shall as soon as the county commissioners shall have performed the duty prescribed in the preceding section, issue to each applicant demanding it, an order for the number of bushels of each kind of seed grain which has been allowed to said applicant, unless otherwise directed by the board or the chairman thereof; provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, attested by the county auditor or county clerk, to the effect that said applicant for and in consideration of.....bushels of seed grain received from.....county, promises to pay to said countydollars, the amount of the cost of said seed grain; that said sum shall be taxable against all the real and personal property of said applicant; that such tax shall be levied by the county auditor, or county clerk, of his county and collected as other taxes are collected under the laws of this state; that the amount of such indebtedness shall become due and payable on the first day of October in the year in which said seed grain is furnished, together with interest on such amount from the first day of April of that year, at the rate of seven per cent per annum, and if said indebtedness be not paid on or before the twentieth day of October of that year, it shall then be the duty of the county auditor, or county clerk, of the said county, to cause the amount of said indebtedness to be entered upon the tax lists of said county for that year, as a tax on the land on which said seed wheat was sown, and upon any other land owned by the applicant, to be collected as other taxes are, and the sum so entered and levied shall be a lien upon the real estate owned by said person until said indebtedness is fully paid, when it shall be the duty of the proper officer to cancel the same.

§ 12. CONTRACT MADE FIRST LIEN.] Upon the filing of the contracts provided for in section ten, the county shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving seed grain to the amount of the sum then due to the county upon said contract, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid.

§ 13. CROPS SOLD FOR REPAYMENT OF ADVANCES.] Each and every person who has received seed grain under the provisions of this act, shall, as soon as his crops for the year wherein payment is to be made are harvested and threshed, market a sufficient amount of grain to pay the amount then due on his contract and pay the same over to the treasurer of his county.

§ 14. PENALTY FOR MISUSE OF SEED FURNISHED.] Any person or persons, who shall, contrary to the provisions of this act, sell, transfer, take or carry away, or in any manner dispose of the seed grain, or any part thereof, furnished by the county under this act, or shall use or dispose of said seed grain, or any part thereof, for any other purpose than that of planting or sowing the same as stated in his application, or shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part thereof, produced from the sowing or planting of said seed grain, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten dollars, nor more than one hundred dollars, or may be imprisoned in the county jail for a term of not less than ninety days, and shall pay all the costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing shall be deemed to have committed perjury and shall upon conviction suffer the pains and penalties of that crime. Upon the filing of said application in the office of the register of deeds, and the sowing of the seed obtained thereunder, the title and right of possession to the growing crop and to the grain produced from said seed shall be in the county which shall have furnished the seed until the debt incurred for said seed shall have been paid, and any seizure thereof or interference therewith, except by the applicant and those in his employ, for the purpose of harvesting, threshing and marketing the same to pay the debt aforesaid, shall be deemed a conversion thereof, and treble damages may be recovered against the person so converting the same by the county furnishing said seed.

§ 15. DUTY OF OFFICERS TO PROSECUTE.] It shall be the duty of the constables and town clerks of the towns, and the county commissioners, sheriffs and state's attorneys of the counties furnishing seed grain under the provisions of this act, having any knowledge of the violation of its provisions, to make complaint thereof to a justice of the peace, and said justice shall thereupon issue a warrant for the arrest of the offender, and proceed to hear and determine the matter, or to bind the offender over to appear before the grand jury, as the case may be.

§ 16. COMMISSIONERS ADVERTISE INTENTION OF DISTRIBUTION.] The county commissioners of every county proposing to distribute seed grain under the provisions of this act shall advertise such intention in such manner and for such length of time prior to the first day of March as is possible for them to do, giving notice that all applications must be filed with the county auditor, or county clerk, by the first day of March; provided, that no distribution of seed grain under the provisions of this act shall take place prior to the tenth day of March. If more seed grain is applied for than can be supplied by the commissioners under the provisions of this act, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this act. The commissioners shall have the right to refuse any application which they

may deem improper to grant, and they may revise their adjustment of applications at any time before final distribution.

§ 17. GRAIN FURNISHED AT COST.] It shall be the duty of the commissioners providing seed grain under the provisions of this act, to purchase the same at the lowest price at which suitable grain can be obtained, and to furnish the same to applicants at the actual cost thereof to the commissioners, with transportation and handling charges added, if any there be, and any person requiring or extorting from any applicant a greater price shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, as the court may determine.

§ 18. SINKING FUND.] All money received by the county treasurer in payment of debts incurred under the provisions of this act, shall be paid into, and become a part of the sinking fund herein provided for, and be used exclusively in the purchase or payment of bonds issued hereunder.

§ 19. BONDS MAY BE RETIRED.] Said board may at any time, with the concurrence of the owners thereof, pay and retire any of the bonds issued under the provisions of this act out of the funds provided for that purpose, at not more than the par value thereof and accrued interest.

§ 20. NO TAX LEVIED, WHEN.] In case a sufficient fund has been paid into the county treasury in any one year, as provided in section ten of this act, on or before November first, to meet the interest and sinking fund provided for in this act, then there shall be no tax assessed for such purpose in that year, and in no year shall there be a greater sum assessed than will, together with the balance at that date in the treasury belonging to the seed grain fund, be sufficient to meet said interest and sinking fund promptly for that year.

§ 21. EMERGENCY.] As there are settlers who are unable to procure seed for their farms for the coming spring and an emergency exists, this act shall take effect and be in force immediately after its passage and approval.

Approved March 1, 1909.

CHAPTER 211.

[S. B. No. 118—Gunderson]

PURCHASE OF GRAIN.

AN ACT Making It Unlawful for Any Person, Firm, Association, Co-Partnership or Corporation Doing Business in the State to Purchase Grains at a Different Weight for the Bushel Than Is Fixed by Law, or to Take or Accept any Dockage on Grains Not Docked at the Terminal Markets of Minnesota and Wisconsin.

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

§ 1. UNLAWFUL TO BUY AT OTHER THAN LEGAL WEIGHT. DOCKAGE.] It shall be unlawful for any person, firm, association, co-partnership or corporation doing business in the state to purchase or receive any wheat, oats, barley, flax or other grains at a different weight for the bushel measure than the number of pounds fixed by the laws of our state, and no dockage shall be taken or received on same, excepting on such grains as the grain inspection boards for the terminal markets of the states of Minnesota and Wisconsin place a dockage.

§ 2. PENALTY.] Any person, firm, association, co-partnership or corporation found guilty of violating the provisions of this act shall be guilty of a misdemeanor and be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

Approved March 11, 1909.

STATE INSTITUTIONS

CHAPTER 212.

[S. B. No. 268—Cashel]

DEPORTATION OF NON-RESIDENT FEEBLE MINDED.

AN ACT Authorizing the Trustees of the Institution for Feeble Minded to Transport, at the Expense of the State, Inmates Whose Parents or Guardian has Removed from the State to the Residence of Such Parent or Guardian Without the State, and Providing an Appropriation Therefor.

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

§ 1. INMATE MAY BE DEPORTED, WHEN.] Whenever it shall be found by the board of trustees of the institution for feeble minded