

tion of such person. Said judge shall immediately forward to the superintendent of the Sanatorium a certificate in writing, giving the correct postoffice address of the parent, guardian or next of kin of such patient and stating that said patient is unable to pay such charges and he or she is a resident of the county in which such application has been approved, together with a copy of said property statement. The county from which such patient has been so certified shall be charged with the maintenance of such patient at the rate of ten dollars per week during the time that he or she remains in such institution as an inmate. Such charge shall be collected in the manner provided in Sections 2568 to 2579, inclusive, of the Compiled Laws of North Dakota for 1913; provided, however, the admission of every patient shall be subject to the final approval of the superintendent and the Board of Control.

Approved March 9, 1917.

VETO

CHAPTER 241.

[S. B. No. 102—Nelson of Grand Forks and Benson of Rollette.]

CAUSES FOR DIVORCE.

An Act to Amend and Re-enact Section 4380 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 121 of the Session Laws 1915, Relating to Causes for Divorce.

VETO.

Bismarck, North Dakota, March 16, 1917.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 102, an Act to amend and re-enact Section 4380 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 121 of the Session Laws 1915, relating to causes for divorce.

Inasmuch as the only amendment made to the present law is to broaden the grounds for Divorce by reason of Insanity, and believing that the present law is at least broad enough, I disapprove this act.

Very respectfully yours,
 LYNN J. FRAZIER,
 Governor.

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

§ 1. AMENDMENT.] That Section 4380 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 121 of

the Session Laws of 1915, be and the same is hereby amended to read as follows:

§ 4380. CAUSES FOR DIVORCE.] Divorce may be granted for any of the following reasons:

1. Adultery.
2. Extreme cruelty.
3. Willful desertion.
4. Willful neglect.
5. Habitual Intemperance.
6. Conviction of Felony.

7. Insanity for the character and under the conditions hereinafter provided: It being provided that no divorce shall be granted because of insanity unless the insane person shall at the time of the institution of the action, and at the time of the granting of the divorce, be an inmate of a State Institution for the Insane, in the State of North Dakota, it being further provided that no divorce shall be granted until it shall be made to appear to the court, by the testimony of three reputable physicians, one of whom shall be the Superintendent of the State Institution for Insane, who shall receive no additional compensation therefor, in which the said insane person is then confined; that the said insane person is suffering from some form of insanity which all three shall agree is incurable; and it is further provided, that no divorce shall be granted until it shall be made to appear to the court by competent evidence that the said insane person has been afflicted with insanity and confined in a North Dakota State Hospital for the Insane for the period of not less than five consecutive years, next preceding the institution of said suit for divorce.

Disapproved March 16, 1917.

CHAPTER 242.

[H. B. No. 318—Moen of Adams.]

APPROPRIATION—DEFICIT AGRICULTURAL SUB-EXPERIMENT STATION.

An Act Making an Appropriation to Cover Deficit in the Accounts of the Agricultural Sub-Experiment Station at Hettinger, Adams County, North Dakota.

VETO.

Bismarck, North Dakota, March 16, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 318, an act making an appropriation to cover deficit in the accounts of the agricultural sub-experiment station at Hettinger, Adams County, North Dakota,

without my approval for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,
 LYNN J. FRAZIER,
 Governor.

PREAMBLE: Whereas, Governor Hanna on March 21st, 1913, vetoed House Bill No. 193 of the 13th Legislative Assembly which appropriated \$9,649.26 for the purpose of providing for the payment of certain outstanding indebtedness, the salary of the superintendent of the station and for bill paid by him for merchants' bills payable.

Whereas, said veto prevented the payment of these bills; therefore,

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$8,000.00 or so much thereof as may be necessary for the purpose of covering a deficit in the accounts of the agricultural sub-experiment station at Hettinger, Adams County, incurred for the maintenance of this institution prior to January 1st, 1913.

Disapproved March 16, 1917.

CHAPTER 243.

[H. B. No. 236—Committee on Appropriations.]

APPROPRIATION—ENCOURAGING IMMIGRATION.

An Act Making an Appropriation for the Purpose of Encouraging Immigration.

VETO.

Bismarck, North Dakota, March 16, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 236, an Act making an appropriation for the Purpose of encouraging immigration, without my approval for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,
 LYNN J. FRAZIER,
 Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$1,000.00 or so much thereof as may be necessary for the purpose of promoting immigration, as provided by Section 649, Compiled Laws of North Dakota for the year 1913.

Disapproved March 16, 1917.

CHAPTER 244.

[H. B. No. 6—Fraser.]

DISTRICT JUDGES—EXPENSES WHEN ACTING OUTSIDE HOME COUNTIES.

An Act to Amend and Re-enact Sections 7644 of the Compiled Laws of North Dakota for the year 1913, Relating to When Another Judge May be Called for Prejudice or Bias in Trials of Civil Actions in District Court on the Ground of Prejudice of the Trial Judge, and to Provide for the Payment of the Expenses of District Judges when Acting Outside of their Home Counties and Making an Appropriation Therefor.

VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 6, an Act to amend and re-enact Sections 7644 of the Compiled Laws of North Dakota for the year 1913, relating to when another Judge may be called for prejudice or bias in trials of civil actions in District Court on the grounds of prejudice of the Trial Judge, and to provide for the payment of the expenses of District Judges when acting outside of their home counties and making an appropriation therefor, without my approval for the reasons that Section 2 provides for the expenses of District Judges while performing official duties outside their own counties and outside of their own districts.

I believe it would be unfair to put the expenses of Judges while outside their own districts upon the state and for the further reasons that Section 3 provides for an appropriation of \$3,600 and the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,
LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota.

§ 1. AMENDMENT.] Section 7644 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 7644. WHEN ANOTHER JUDGE MAY BE CALLED FOR PREJUDICE OR BIAS.] When either party to a civil action pending in any of the district courts of the state shall, after issue joined and before the opening of any term at which the cause is to be tried, file an affidavit, corroborated by the affidavit of his attorney in such cause and that of at least one other reputable person, stating that there is good reason to believe that such party cannot have a fair and impartial trial of said action by reason of the prejudice, bias or interest of the judge of the district court in which the action is pending, the court shall proceed no further in the action,

but shall forthwith request, arrange for and procure the judge of some other judicial district of the state to preside at said trial in the county of the judicial subdivision in which the action is pending.

The actual expenses of such judge while in attendance upon the trial of the cause for which the change was had and the extra expense of the court and jury, incurred by reason of said change, shall be paid by the person asking for the change, in advance or a bond to be approved by the clerk of the district court given therefor the amount of said bond not to exceed one hundred dollars being fixed by the presiding judge; provided that not more than one such change shall be granted on the application of either party.

Provided, that the attorney filing said affidavit of prejudice may by written request select two district judges of the state of North Dakota that shall not be called in to try said cause.

§ 2. DISTRICT JUDGES. CERTAIN EXPENSES. HOW PAID.] When a district judge is required to perform official duties in this state outside of his own county, the state shall be responsible for the actual and necessary expenses of said judge paid for railroad fare, going to and from his residence, and subsistence while away from his home. The same shall be paid out of the general fund of the state, upon presentation of an itemized account of such expenses as have been and will be so necessarily expended, duly certified by said Judge and audited in the same manner as the expense accounts of other state officers.

§ 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$3,600.00 or so much thereof as may be necessary to pay the railroad fare of district judges as provided in section one of this act.

Disapproved March 17, 1917.

CHAPTER 245.

[S. B. No. 167—Senate Appropriations Committee.]

APPROPRIATION—MILITARY GROUNDS.

An Act to appropriate \$1,000.00 for the Improvement of the Military Grounds at Devils Lake.

VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 167, an Act to appropriate \$1,000 for the improvement of the Military Grounds at Devils Lake, without my approval for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$1,000.00 for the biennial period ending July 1, 1919, for the protection of timber, care of parade grounds, removal of dead trees, and improvements of roads on the state military reservation in Ramsey County, North Dakota. Provided that the expenditure of any sum of money in excess of Fifty (\$50.00) Dollars shall be advertised and let by contract.

Disapproved March 17, 1917.

CHAPTER 246.

[H. B. No. 208—Committee on Appropriations.]

APPROPRIATION—REIMBURSEMENT ALPHONSO BOLEY.

An Act Making an Appropriation for the Reimbursement of Alphonso Boley.

VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 208, an Act making an appropriation for the reimbursement of Alphonso Boley, without my approval for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,
LYNN J. FRAZIER,
Governor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$250.00 or so much thereof as may be necessary for the reimbursement of Alphonso Boley of Mandan for the rental of certain lands and the use of certain buildings belonging to the said Alphonso Boley by the State Reform School.

Disapproved March 17, 1917.

CHAPTER 247.

[H. B. No. 428—Lazier.]

SPECIAL SCHOOL DISTRICTS.

An Act to Amend and Re-enact Section 1240 of the Compiled Laws of 1913 of the State of North Dakota, Relating to Territory to be Attached to Special School Districts.

VETO.

Bismarck, North Dakota, March 15, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 428, an Act to amend and re-enact Section 1240 of the Compiled Laws of 1913 of the State of North Dakota, relating to territory to be attached to special School Districts, without my approval for the following reasons:

1st. That one provision of this Bill provides for the annexing of territory to city school districts without the consent of the citizens of the territory to be annexed, which seems to be a great injustice to those people.

2nd. Should the above provision become a law it would, in one instance, at least, work a great hardship on one of our State Normal Schools by depriving them of pupils for their Training School.

Respectfully yours,
LYNN J. FRAZIER,
Governor.

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

§ 1. AMENDMENT.] That Section 1240 of the Compiled Laws of the State of North Dakota, be amended and enacted to read as follows:

§ 1240. ADJACENT TERRITORY. HOW ATTACHED FOR SCHOOL PURPOSES.] When any special school district has been organized and provided with a Board of Education under any general law, or a special act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto may be attached to such special school district by the board of education thereof, upon application in writing signed by a majority of the voters of such adjacent territory; provided, that no territory shall be annexed which is at a greater distance than three miles from the central school in such special district, except upon petition signed by two thirds of the school voters residing in the territory which is at a greater distance than three miles from the central school in such special district; and upon such application being made, if such board deem it proper and to the best interests of the school of such corporation and of the territory to be attached, and order shall be issued by such board attaching such adjacent territory to such corporation for school purposes, and the same shall be entered upon the records of the board;

Provided, that when territory is sought to be annexed to a special district from a consolidated district or from any school district where the part remaining after such proposed annexation is effected would have an assessed valuation of less than \$30,000 for each one room school which must be maintained in such remaining territory, then the matter of such annexation of territory may be appealed to a board of review consisting of the County Commissioners and the County Superintendent of Schools of said county in which the territory is located. The County Commissioners and County Superintendent of Schools, or in case territory in two counties is involved, the chairman of the Board of County Commissioners and County Superintendent of Schools of each county acting as a board of review, shall have the power to affirm or reject such annexation of territory. If no appeal is taken within thirty days, or if in case of such appeal the annexation of such territory is affirmed, then such territory shall from the date of the order of the Board of such special district, be and compose a part of such corporation for school purposes, only.

Such adjacent territory shall be attached for voting purposes to such corporation, or if the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and upon such school questions; provided that nothing in this act shall prevent any such adjacent territory from being annexed because of such adjacent territory being in an adjoining county and provided, that the county commissioners may detach any part of such adjacent territory which is at a greater distance than three miles from the central school in such special district and attach it to any adjacent common or special school district or districts upon petition to do so signed by three fourths of the legal voters of such adjacent territory, provided, further, that in all cases fourteen days notice of hearing before the board shall be given by publication in the nearest newspaper and posted notices in conspicuous places, three in a special district, three in the territory sought to be annexed and three in the district remaining from which the territory shall be taken. And such territory shall not become a part of the special district until five days after such hearing upon order of the board as hereinbefore provided; and all assets and liabilities shall be equalized according to section 1327.

Provided, further, that in cities wherein a special school district has been or may hereafter be established under the provisions of this act, adjacent territory lying within the city limits of such city may be annexed to such special school district, for school purposes only, without the written application of the inhabitants of such adjacent territory so lying within the city limits in the manner herein provided.

Provided also, that where a school district maintaining a school is adjacent to territory in which no school has been maintained for the past ten years, the county superintendent and county com-

missioners may upon application made to them, attach such territory to the district in which a school is maintained.

Disapproved March 15, 1917.

CHAPTER 248.

[S. B. No. 84—Gronvold.]

TERMINAL ELEVATOR COMMISSION.

An Act to Provide for the Creation of a Commission, the Selection of a Location, Erection, Leasing, Operating, Renting or Selling, one or More Terminal Elevators, either Within or Outside the State of North Dakota, and Making an Appropriation Therefor.

VETO.

Bismarck, North Dakota, March 6, 1917.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 84, an Act to provide for the creation of a commission, the selection of a location erection, leasing, operating, renting or selling, one or more terminal elevators, either within or outside the state of North Dakota, and making an appropriation therefor, without my approval for the following reasons:

1st. This Act provides for the building of an elevator or elevators by direct taxation. I feel that the taxes are high enough and in view of the condition of the state's finances and the financial condition of the people, an increase of the taxes is unwarranted and undesirable.

Our state permits cities to issue bonds for improvements such as sewers, water works, paving, electric light plants, etc. This method has proven to be the correct principle and has given general satisfaction. I believe the state should follow the same principle in the building of terminal elevators or other state-owned projects for the benefit of the farmers who pay the greater part of the state's taxes and produce most of its wealth.

2nd. I believe a state-owned terminal elevator without a state-owned flour mill to grind the wheat into flour and demonstrate its true milling value, thus showing the wide difference in the price received by the farmers for wheat and the price paid by the public for flour, would be a failure. Such an elevator in this state without a mill would be of no value unless it were large enough to handle or control all the North Dakota crop. In fact, \$300,000 would not even finance such an elevator if it were already built.

3d. This Act provides that the elevator may be built outside the state. I am satisfied that the people of North Dakota would take no pride in building such institution in another state, especially in a state where the grain gamblers still control the marketing and influence legislation in their favor. Should the elevator be built

outside the state, it would not be under the control of our laws but would be regulated by the laws of the state in which it was built. Neither would it be in keeping with the oft expressed sentiment and desires of our people to keep North Dakota institutions and money at home.

4th. I believe it to be my duty to with-hold my approval of this Act for the further reason that the Legislature appropriated money in excess of the state's available funds. It is true that there will be about \$120,000 in the terminal elevator fund, but this should be carefully protected rather than squandered by an ill-advised procedure.

5th. I am in favor of state-owned terminal elevators and flour mills built within this state and properly financed by the issue of bonds, and am satisfied that a terminal elevator in North Dakota with a state-owned flour mill would be a great success, and I firmly believe that two years from now the will of the people can not be blocked and that these institutions will then be built.

I am equally satisfied that this measure would hamper and retard real progress, discourage the people and make the struggle of the farmer against the grain gambler much harder, and will tend to block the ultimate establishment of a terminal elevator and flour milling system on a business basis that will assure success.

Believing that this proposed Act is against the best interests of both the producer and consumer, and that the best interests of the state demand a united effort for state-owned elevators and flour mills built by bond issue rather than raising the taxes, I with-hold my approval.

I am

Very respectfully yours,
LYNN J. FRAZIER,
Governor.

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

§ 1. CREATION OF COMMISSION.] There is hereby created a commission which shall be known as the North Dakota Terminal Elevator Commission.

§ 2. MEMBERSHIP OF COMMISSION.] The North Dakota Terminal Elevator Commission shall be composed of seven members, of whom the Governor, Attorney General and State Treasurer shall be ex-officio members of said Board.

§ 3. APPOINTMENT OF MEMBERS AND VACANCIES, HOW FILLED.] The Governor shall, as soon as possible after the passage and approval of this act, appoint three citizens of the state of North Dakota, one from each Congressional District, and one member at large residing either within or without the state. In the event any vacancy may occur in the membership of said commission the Governor shall immediately fill such vacancy by appointment.

§ 4. TERM OF APPOINTED MEMBERS.] Each member appointed to the North Dakota Terminal Elevator Commission shall

hold office for the period of two years from the date of his appointment.

§ 5. POWERS AND DUTIES OF THE COMMISSION.] The North Dakota Terminal Elevator Commission is hereby authorized and fully empowered to make an investigation of the location of one or more state owned terminal elevators, either within or without the state, and the approximate cost of such building and sites, and to procure plans and specifications thereof in whole or in part, to select the location, erect or construct, lease from, operate, rent to, or sell one or more terminal elevators, either within or outside the State of North Dakota and shall have full charge of all matters and things pertaining to the construction and equipment of such terminal elevator or elevators and require bond from members of employees in amounts agreed upon by said commission. The North Dakota Terminal Elevator Commission shall have full authority to prescribe rules for the operation and management of any elevator or elevators provided for under the provisions of this act and shall have authority to prescribe fees and charges to be collected for all services which said elevator may perform for its patrons or customers. The said commission shall make a report on all of their proceedings to the 16th Legislative Assembly and to the Governor of this state on or before the first day of January, 1919.

The North Dakota Terminal Elevator Commission shall have the authority to employ such help as it may deem necessary and advisable to employ and shall fix the compensation or salary, or other allowances for such employees.

The North Dakota Terminal Elevator Commission shall have full authority to expend any moneys provided for Terminal Elevator purposes in a later section of this Act, all of which expenditures shall be made in accordance with the laws of North Dakota now in effect regulating the expenditure of public funds and shall be audited in the same manner.

§ 6. COMPENSATION; PER DIEM AND EXPENSES OF MEMBERS OF THE COMMISSION.] Each member of the Commission shall be paid a per diem, which per diem shall be agreed upon by two-thirds of the members of the commission, actual and necessary traveling expenses incurred, for each day actually given to the affairs of the Terminal Elevator Commission, which shall include time occupied in travel.

A majority of the members of said commission shall constitute a quorum for the transaction of any and all business provided for in this Act.

§ 7. APPROPRIATION.] There is hereby appropriated out of the general funds in the State Treasury, not otherwise appropriated, and including therein any and all moneys now in the State Treasury, for Terminal Elevator purposes the sum of Three Hundred Thousand Dollars (\$300,000.00), or as much thereof as may be necessary,

to be used by said North Dakota Terminal Elevator Commission for the purposes hereinbefore set out.

§ 8. EMERGENCY.] Whereas, an emergency exists in this: that the proper disposition of the grain crops of the State of North Dakota is construed to be of vital interest, therefore this Act shall be deemed to be in the interests of the public peace, health and safety and shall take effect and be in force immediately after its passage and approval.

Disapproved March 6, 1917.

VACANCIES IN OFFICE

CHAPTER 249.

[S. B. No. 301—Lindstrom.]

VACANCIES.

An Act Amending and Re-enacting Section 696 of the Compiled Laws of North Dakota for 1913, Relating to Filling Vacancies.

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

§ 1.] That Section 696 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 696. VACANCIES. HOW FILLED.] All vacancies, except in the office of a member of the legislative assembly, shall be filled by appointment as follows:

1. In the office of states attorney in which a vacancy has occurred by reason of removal under Section 685 of the Compiled Laws of North Dakota for the year 1913, by the board of County commissioners by and with the advice and consent of the governor.

2. In county and precinct offices by the board of county commissioners, except vacancies in such board.

3. In offices of civil townships, by the justices of the peace of such township, together with the board of supervisors or a majority of them, and if a vacancy occurs from any cause in the board of supervisors, the remaining member of the board shall fill such vacancy.

4. In state and district offices by the Governor.

§ 2.] All acts or sections in conflict herewith are hereby repealed.

Approved March 15, 1917.