

year 1913 is hereby amended and re-enacted to read as follows:

§ 780. AMENDMENT.] Each stenographer shall receive a salary of Two Thousands Dollars per annum, payable in equal monthly installments by the counties constituting the judicial district in which he is employed, which salary shall be apportioned according and in proportion to the number of suits entered and commenced in the district court of the respective counties of such district in the preceding year. It shall be the duty of the presiding judge in each judicial district on the first day of January of each year or as soon thereafter as may be to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. For making transcripts as herein provided he shall be entitled to receive such compensation as the judge shall allow, not exceeding fifteen cents for each folio of one hundred words, and the same, when ordered by the judge, shall be paid by the county chargeable with the costs of the action, and in all other cases by the party requesting such transcript.

Approved 11:30 A. M. December 10, 1919.

## DAIRY INDUSTRY

### CHAPTER 31.

[S. B. No. 30—Liederbach.]

#### PURCHASE OF CATTLE BY COUNTY.

An Act for the Purpose of Encouraging the Dairy Industry in the State; Authorizing Counties to Issue Bonds or Warrants and With the Proceeds to Purchase Dairy Cattle; Authorizing the Formation of Dairy Association; and Providing for Funds Necessary for Carrying This Act Into Effect.

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

§ 1. It shall be lawful for, and it shall be the duty of the County Board of Commissioners of any county, to issue bonds or warrants of the county under and pursuant to the provision of this Act; and with the proceeds derived from the sale thereof, to purchase cattle for dairy purposes and sell them to persons who have formed themselves into an association as hereinafter provided. Whenever any Board of County Commissioners shall be petitioned in writing by not less than fifty freeholders, residents in such county, then said board shall, at a meeting called as hereinafter provided, consider such petition and shall by a majority vote determine whether the prayer of the petitioners shall be granted. Such petition shall be filed with the County Auditor, and it shall be the duty of said officer to forthwith call a meeting of the Board of County Com-

missioners to consider such petition. Such bonds or warrants shall be in denominations of Five Hundred to One Thousand Dollars; shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually at such place and time as shall be determined by the Commissioners of Agriculture and Labor and the purchaser, and shall become due and payable in not less than five nor more than ten years from the date of issue.

§ 2. Such bonds shall be signed by the chairman of the Board of County Commissioners and be attested by the County Auditor, who shall affix the seal of the county thereto and shall have endorsed thereon a certificate signed by the County Auditor stating that such bonds are issued pursuant to law and are within the debt limit of the county.

§ 3. Immediately after it has been determined to issue bonds for any county, the County Auditor shall notify the Commissioner of Agriculture and Labor, giving full particulars. Thereupon, the Commissioner of Agriculture and Labor shall act for and on behalf of the Board of County Commissioners in the sale or disposition of any bonds to be sold. He shall receive sealed proposals for the purchase of such bonds or any part thereof, after giving at least ten days' notice in one leading daily newspaper within this state, in two leading daily newspapers without the state, and one newspaper within the county for which bonds are to be issued, together with such other publicity as in his discretion is deemed advisable. He shall sell the bonds of each county separately to the highest bidder for cash but he shall not sell them for less than par, and he may reject any or all bids or postpone the sale from time to time, not exceeding ten days, or in his discretion he may call for new bids, provided, however, that said Commission may sell or dispose of said bonds or any part thereof to the State of North Dakota or any board thereof or to the Bank of North Dakota, without receiving proposals therefor, or giving notice, as hereinbefore provided, but he shall not sell them for less than par; provided, further, however, that the Commissioner of Agriculture and Labor may make a reasonable allowance for printing, advertising, brokerage and attorneys' fees.

§ 4. The funds arising from the sale of said bonds or warrants shall be applied exclusively to the purchase of dairy cattle for members of said associations; provided, that the Board of County Commissioners shall determine the number of dairy cattle that each applicant shall receive, which shall not exceed five female cattle and not to exceed One Thousand Dollars (\$1,000.00) total value which shall include each applicants' pro rata share of the purchase price of the sire or sires. Provided, further, that the sire or sires procured for each association must be registered in the recognized herd book or said breed, must be free from transmittable diseases and be of the same breed as the other cattle procured for said association. Provided, further, the County Auditor shall inform each applicant of the number of dairy cattle that have been allowed by the Board

to said applicants, and take from him an acceptance in writing, in the form of an order, whereby he agrees, under the provisions of this Act, to take the number of dairy cattle allotted to him by the Board of County Commissioners. All such dairy cattle are to be bought by the State Dairy Commissioner or with his consent and approval and under such rules and regulations as he may prescribe.

§ 5. Ten or more persons, resident in any county, may form themselves into an association to be known as a Dairy Association. Every such Association must be authorized and numbered by the Board of County Commissioners and registered in the office of the County Auditor, and in the office of the State Dairy Commissioner. Such associations and members thereof shall be governed by such rules and regulations as may be prescribed by the Dairy Commissioner and approved by the County Commissioners. Such rules and regulations shall include provisions to the effect that all dairy cattle received by each member of any association as herein provided, shall be insured against death by fire and lightning; and that the females shall be bred only to pure bred sires of corresponding breed; and they shall not be subjected to avoidable exposure to such transmittable diseases as are common among dairy cattle, until the cattle so obtained are paid for in full. Provided, that there shall be reserved to any Dairy Association formed as herein provided, the right to make rules and regulations governing the sale or disposal of surplus increase, unproductive or unprofitable animals received through the provisions of this Act; provided, further, that such rules and regulations be approved by the Board of County Commissioners and that the proceeds from such sale or disposal shall be immediately paid to the County Treasurer and turned into the sinking fund as hereinafter provided. No persons shall become a member of such association who shall not agree in writing to comply with all rules and regulations prescribed and approved as herein provided, which agreement shall be binding until the full purchase price of all dairy cattle received by the signer has been paid; and no person shall become a member of such association without the written consent of two-thirds of all others proposing to form such an association, which agreement and consent shall be filed and recorded in the office of the County Auditor and in the office of the State Dairy Commissioner.

Each member of such association shall be jointly and severally liable for all contracts, debts, and obligations due to the county from his association to the extent of ten per cent in addition to the purchase price of such cattle as he shall receive under the provisions of this Act.

§ 6. Any member of a dairy association wishing to avail himself of the benefits of this Act may file, with the County Auditor, an application for dairy cattle, duly sworn to before said County Auditor or some other officer authorized to administer oaths. Such application shall contain a true statement of the number of acres applicant has plowed and prepared to crop; how many acres appli-

cant intends to have plowed for crop; how many bushels of grain the applicant harvested the preceding year; the amount and kind of feed that he has in his possession; and the number of kind of live-stock he has in his possession. And such applicant shall state that he desires said cattle for dairy purposes, and that he will not sell or dispose of the same, nor their increase without the consent of the County Commissioners, and that he will plant at least five acres of corn per year for each dairy animal received until same has been paid for. 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.

All applications filed under the provision of this Act shall be consecutively numbered, designing the number of the association to which the member making the application belongs, shall be open to public inspection. The County Auditor of each county shall, as soon as the County Commissioners shall have performed the duties prescribed in this Act, issue to each applicant demanding it, an order for the number of dairy cattle which have been allowed to said applicant, provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, which contract shall have the same force and effect as a promissory note attested by the County Auditor to the effect that said applicant for and in consideration of the.....dairy cattle received from ..... County promises to pay the said County ..... Dollars, the amount of cost of said dairy cattle, with interest payable semi-annually.

The amount of such indebtedness shall become due and payable in not less than five years or more than ten years from the date of the order, and shall bear interest on such amount from the date of the bonds or warrants provided for herein, at a rate not to exceed six per cent per annum; provided, however, that the end of the third year from the date of such bonds or warrants, and any interest paying date thereafter that any member of a Dairy Association indebted to the county may take up his note wholly or in part by a payment or payments to the County Treasurer which shall aggregate the total amount which would otherwise become due the county on the date of maturity of such note, less the amount which the portion of the sinking fund so formed shall earn; provided, further, that such indebtedness, or the remainder thereof, shall be a first and valid lien upon said dairy cattle and their increase and shall have priority over all other liens and incumbrances thereon, and the filing and recording 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 upon said dairy cattle and their increases, which shall continue in force until the amount covered by the contract shall be fully paid.

Provided, further, if the applicant is a renter the owner of the land shall also sign the contract with him except in cases where an

exception is made by an order of the Board of County Commissioners.

If such indebtedness is not paid promptly when due, or if the sheriff shall have reason to believe that any one who having received aid under this Act is about to remove from the county or is about to sell and dispose of his cattle without first paying to the county the amount due, it shall be the duty of such sheriff to take and sell a sufficient number of said cattle of such applicant to pay such indebtedness, including the cost of seizure, in the same manner as is now provided by law in like cases.

It shall be the duty of the County Treasurer to collect said notes as they fall due and upon payment of same to satisfy the lien. It shall further be the duty of the County Treasurer to deliver to the State's Attorney a statement of all contracts and notes which remain unpaid when due, and it shall be the duty of the State's Attorney to immediately, in behalf of and in the name of said county, to commence an action for placing of said indebtedness in judgment, or for the foreclosure of the lien securing any of said notes in accordance with the laws providing for the foreclosure of liens or of mortgages.

§ 7. It shall be the duty of the State Dairy Commissioner or the Board of County Commissioners, to purchase only such dairy cattle as are most suitable for the locality in which they are to be used; and it shall be their duty to purchase same at the lowest price at which suitable dairy cattle can be obtained and to furnish same to applicants at the actual cost thereof, with transportation and handling charges added, 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 a fine or imprisonment or both. Any official or any agent of any official, who conspires with others to make any profit directly or indirectly out of the transaction for himself or for them, or accepts or extorts from any applicant a greater price than that authorized herein shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary for a term of not less than one nor more than five years.

§ 8. 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 a sinking fund and be exclusively used in the payment of the bonds or warrants issued hereunder.

§ 9. Any member of any such association who, contrary to the provisions of this Act, sells, transfers, takes or carries away, or in any manner disposes of any of said dairy cattle or their increase, furnished by the county and under this Act, or shall use or dispose of said cattle or their increase, or any part thereof, for any other purpose than that provided for herein, shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than One Hundred nor more than One Thousand Dollars or may

be imprisoned in the county jail for a term of not less than ninety days.

§ 10. The State Dairy Commissioner shall, in addition to his other regularly prescribed duties, have general supervision of carrying into effect the provisions of this Act, and he shall receive an annual salary of One Thousand Dollars (\$1,000.00) in addition to his salary as State Dairy Commissioner. He shall prepare and give general publicity to the residents of this state, a summary statement of the provisions of this Act, and the manner in which such residents may avail themselves of its benefits. He shall advise and assist in the organization and management of Dairy Associations as herein described; he shall co-operate with the Commissioner of Immigration by compiling and giving publicity to such data and reports as will encourage the development of the dairy industry within the state. He shall prepare such uniform blanks as he shall deem necessary for the purpose of this Act and supply same to the County Auditor of any county issuing bonds or warrants.

§ 11. There is hereby transferred to the State Dairy Commissioner from any moneys in the State Treasury, which now are or hereafter may be credited to the Commissioner of Immigration under Chapter 146 of the Laws of 1919, an amount not to exceed Five Thousand Dollars (\$5,000.00) annually, or so much thereof as shall be necessary for carrying into effect the provisions of this Act.

Approved 8:45 A. M. December 12, 1919.

## ELECTIONS

### CHAPTER 32.

[S. B. No. 9—Bowman.]

#### ABSENT VOTERS.

An Act to Amend and Re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, Relating to Absent Voters and Defining Absent Voters and Declaring an Emergency.

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

§ 1. AMENDMENT.] Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

ARTICLE 16. "The term 'Absent Voter' as used herein shall mean any qualified elector of this state who is absent from the county of which he or she is an elector on the day of holding any general, special, state or primary election; or any woman qualified as an elector of this state who resides one-half mile or more from the polling place of her voting precinct. Any such elector may vote as hereinafter provided."