

in any such sinking fund shall be applied to any other purpose than the payment of the bonds for the payment of which such fund was created. No county shall be liable for the payment of any bonds issued under the provisions of this Chapter, but such bonds shall be paid only out of the sinking funds created as in this Chapter provided.

Approved March 9, 1921.

EGGS

CHAPTER 60.

(H. B. No. 81.—Oscar Oberg.)

EGGS.

An Act to establish a uniform egg law, for regulating and preventing the sale of eggs unfit as articles of human food, requiring eggs to be candled, requiring a license for dealers in eggs and establishing a penalty for violation of this Act.

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

§ 1. EGGS, SALE UNLAWFUL, WHEN.] It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, or to traffic in, eggs which are unfit for human food. For the purpose of this act, eggs shall be deemed unfit for human food if they consist in whole or in part of a filthy, decomposed or putrid substance.

§ 2. EGGS, UNLAWFUL TO USE, WHEN.] It shall be unlawful for any person, firm or corporation to use eggs that are unfit for food as defined in section one in the preparation or manufacture of food for public consumption; and there shall be no delivery, sale, purchase or acceptance of such eggs in or at any establishment where food products are prepared or manufactured.

§ 3. EGGS, COLD STORAGE.] It shall be unlawful for any person, firm, or corporation to advertise for sale, offer for sale or to sell, as and for fresh eggs, any eggs which have been held in cold storage for thirty days or any eggs which have been pickled in brine or in water-glass or in lime water or which have been preserved in any manner whatsoever. For the purpose of this act and in all dealings having to do with the purchase and sale of eggs, the word "eggs," when used without further description or qualification, shall in every instance be understood to mean fresh, sweet eggs. If case eggs which have been held in cold storage for a period of thirty days or longer are offered

or exposed for sale or sold, there shall be placed in or on the receptacle containing such eggs, in full view of the public, a card not smaller than six inches in width by six inches in length upon which shall be printed the words "cold storage" in plain gothic letters not less than one inch in length. In case eggs which have been preserved by pickling in brine, water-glass or lime water, or which have been preserved by any process whatsoever shall be offered or exposed for sale or sold, there shall be placed in or on the receptacle containing such eggs, in full view of the public a card not smaller than six inches in width by six inches in length upon which shall be printed the words "preserved eggs" in plain gothic letters not less than one inch in length.

§ 4. EGGS, DOCKAGE ON.] It shall be unlawful for any person, firm or corporation, in buying or selling egg to take or to give a greater or less dockage for eggs unfit for food as defined in section one of this act than the actual dockage which shall be determined by the careful candling of the eggs so purchased or sold. The term "candling" as used herein shall be construed to mean the careful examination, in a partially dark room or place, of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the State Food Commissioner.

§ 5. EGGS CANDLED. .HOW IDENTIFIED.] There shall be placed on the top layer the top flat of every case of candled eggs, by the person, firm or corporation candling the same, candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than two and three-eighths by four and one-fourth inches and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials or number of the person candling the eggs, the name, address and license number of the person, firm or corporation candling the eggs or for whom the eggs were candled. Such certificate shall be in the following words and form:

The eggs in this case were candled

.....
(Date)

By.....

(Signature of person candling the eggs)

Of.....

(Individual, firm or corporation)

License No.....N. D.

§ 6. EGGS, CANDLING.] Every person, firm or corporation engaged in the business of buying eggs in this state for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food. Every person, firm or corporation buying eggs for resale or consignment from any dealer in eggs shall keep on file for a period of sixty (60) days an accurate candling record of every lot, shipment or consignment of eggs, re-

ceived and shall, within ten days after the receipt of any lot, shipment or consignment of eggs, render an accurate and detailed return statement to the person, firm or corporation by whom such lot, shipment or consignment of eggs was delivered, shipped or consigned. This return statement shall truthfully and accurately classify and grade the eggs received by the buyer according to generally accepted commercial standards. In the case of the first buyer of eggs from the producer, such first buyer shall render to the producer a statement which shall specify the total number of eggs received and the number of eggs rejected by the process of candling as unfit for resale as food. The statement to be furnished by subsequent buyers shall include the following information for the benefit of the shipper, seller or consignor; the total number of cases of eggs received, the number of eggs grading No. 1, the number of eggs grading as "seconds," the number of cracked eggs, the number of mashed or leaking eggs, the number of rotten eggs or "rots" (which term shall include all eggs unfit for human food) and the shortage of eggs in the lot, shipment or consignment. All candling records and return statements required by this act and all other records relating to any sale, purchase or shipment of eggs shall be open at all reasonable times for examination by the commissioner or inspectors of the state food department.

§ 7. LICENSES FOR DEALERS.] For the purpose of enforcing the provisions of this act it is hereby required that on or before the tenth day of April, 1921, and the first day of April annually thereafter, every person, firm or corporation engaged in the business of trading in eggs or of buying eggs, except retailer buying only candled eggs from licensed dealers and selling in lots not greater than one case, shall make application to the state food commissioner for a license to conduct such business. Any person, firm or corporation who may desire to engage in such business after the first day of April of any year shall first make application to the state food commissioner for license. The commissioner, upon receipt of proper application upon such forms as he may provide, accompanied by a license fee for two dollars (\$2.00) and for each annual renewal of one dollar (\$1.00), shall thereupon issue license to engage in such business. All licenses provided for herein shall expire on the thirtieth day of March following the date of issue. All monies received by the Food Commissioner for licenses shall at the close of each calendar month be transmitted to the State Treasurer and by him added to the General Fund.

§ 8. PENALTIES.] Any person, firm or corporation failing to comply with the requirements of this act as to license or violating any provisions of this act shall be guilty of a misdemeanor and shall on conviction for the first offense be fined not more than fifty dollars (\$50.00.) Upon conviction for a second or any subsequent violation of the foregoing provisions of this act, the violator shall be fined not to exceed one hundred dollars (\$100.00), and, in addition thereto, and as

part of the penalty imposed, the court may, in its discretion authorize the State Food Commissioner to withhold, suspend or revoke the license of the party so convicted, either permanently or for a limited time to be specified in the judgment. Any person, firm or corporation that shall engage in the business of buying or trading in eggs during the time specified in any such judgment, and while his license is withheld, suspended or revoked by the operation thereof, shall, upon conviction therefor be punished by a fine of one hundred dollars (\$100.00) for each offense and by the permanent revocation or withholding of license to buy or trade in eggs.

§ 9. EMERGENCY.] Whereas there is no adequate provisions of law provided for the inspection, candling and regulating the sale of eggs unfit for human food, therefore an emergency is hereby declared to exist and this act is hereby declared to be necessary for the preservation of the public health, peace and safety and shall take effect and be in force from and after April 1, 1921.

Approved March 10, 1921.

ELECTIONS

CHAPTER 61.

(H. B. No. 77—Bauer.)

COMPENSATION OF OFFICERS.

AN ACT fixing the Compensation of Election Officers.

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

§ 1. Every Judge, Clerk or Inspector, of any state wide election, either primary, general or special, shall for services so performed at such election by such officer receive as compensation therefor the sum of Six Dollars (\$6.00), and when the number of votes cast at such election shall exceed one hundred (100) the sum of one dollar (\$1.00) for each additional one hundred (100) votes cast, or major fraction thereof.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1921.