

taxation of transfers of property by Will, Gift, or by Intestate Laws, be and the same is hereby repealed.

§ 2. The intention of this law is to exempt from inheritance tax all intangibles of non-resident decedents.

Approved March 3, 1921.

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## TOBACCO

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### CHAPTER 126.

(H. B. No. 154—Halcrow.)

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#### CIGARETTES.

AN ACT to Amend and Re-enact Section 10184 and 10185 of the Compiled Laws of North Dakota for 1913. Prohibiting the Manufacture, Sale Disposing of, Giving Away, and Soliciting Orders for Cigarettes, or Cigarette Papers and Providing Penalty.

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

§ 1. AMENDMENT.] Section 10184 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 10184. MANUFACTURE, SALE, DISPOSING OF, GIVING AWAY, SOLICITING ORDERS FOR CIGARETTES AND CIGARETTE PAPERS PROHIBITED.] It shall be unlawful for any person, by himself, clerk, servant, employe or agent, directly or indirectly, upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, cigarette papers or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco for smoking.

Further, it shall be unlawful for any person by himself, clerk, servant, employe or agent, directly or indirectly, to solicit, receive, or procure from, or aid in soliciting or procuring from any person within this state any order, directions, or instructions providing for, or in any manner relating to the delivery, purchase or sale, either within, or from without the State of North Dakota for any cigarettes, cigarette papers, or cigarette wrappers or any paper made for the purpose of being filled with tobacco for smoking.

§ 2. KEEPING. PRIMA FACIE EVIDENCE.] The keeping of cigarettes, or cigarette papers or wrappers in his public place of business by any owner or proprietor thereof, by himself, clerk, servant, employee or agent shall be prima facie evidence of the keeping of the same for sale.

Provided, that this section shall not apply to such cigarettes, or cigarette papers or wrappers, in reasonable quantities, that are carried upon the person of such owner or proprietor, or his clerks or employees for their own personal use.

§ 3. AMENDMENT.] Section 10185 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 10185. Penalty. Any person violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, for the first offense, shall be fined in any sum not less than \$25, nor more than \$100; and for the second and every successive offense, be fined in any sum not less than \$100 nor more than \$300 or be confined in the county jail not less than ten days nor more than thirty days.

Approved March 9, 1921.

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## CHAPTER 127.

(H. B. No. 51—McLarty.)

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### SMOKING.

AN ACT to Prohibit the Use of Tobacco by Smoking in Certain Places and Providing Penalty.

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

§ 1. It shall be unlawful for any person within this state to use tobacco by smoking in cigars, cigarettes, pipes or in any other form in the dining room of any hotel, or in any cafe, restaurant or eating room in which both men and women are being served, or in any street car, or railway coach, except in rooms, coaches and compartments specially provided for that purpose; or for the proprietor of any hotel, cafe, restaurant or eating room, or the conductor of any street car, or railway coach to knowingly permit any such act in any such place. Any person violating any provision of this Act shall upon conviction thereof be punished by a fine in any sum not less than \$5.00 and not more than \$25.00.

Approved March 1, 1921.