

VETOES

(S. B. No. 32.—Garberg.)

BAIL.

An Act to Amend and Re-enact Sections 11114 and 11115, Compiled Laws of the State of North Dakota for 1913, Relating to the Admitting to Bail of Persons charged with the Offense of Homicide.

Veto.

March 19, 1921.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 32, being an Act to Amend and Re-enact Sections 11114 and 11115, Compiled Laws of the State of North Dakota for 1913, Relating to the Admitting to Bail of Persons charged with the Offense of Homicide, without my approval for the reason that through an error in copying the bill, important words and phrases were omitted, such as to make the intent not sufficiently clear.

Very respectfully yours,

Lynn J. Frazier,

Governor.

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

§ 1. That Section 11114, Compiled Laws of the State of North Dakota for 1913, be and the same hereby is amended and re-enacted to read as follows:

§ 11114. BAIL WHEN OFFENSE CHARGED IS HOMICIDE.] Bail by sufficient sureties may be submitted upon arrest in criminal actions, when the offense is punishable by death or when the offense charged is that of homicide, unless the proof of guilt is evident and the presumption thereof great. In such actions it shall be taken only by the supreme court or a judge thereof, or by a district court or a judge thereof shall be discretionary, regard being had to the nature and circumstances of the offense and to the evidence and to the usages of law. The finding of an indictment or the filing of an information does not add to the strength of the proof or the presumption to be drawn therefrom. In case the action has been tried by jury, and the jury have not agreed on a verdict and have been discharged by reason of inability to agree, then the defendant shall be entitled to bail unless it shall appear to the court or judge, by proof, that such disagreement was occasioned by the misconduct of the jury or the defendant or his counsel.

§ 2. That Section 11115, Compiled Laws of the State of North

Dakota for 1913, be, and the same hereby is, amended and re-enacted to read as follows:

§ 11115. BAIL ON APPEAL AFTER CONVICTION.] After a conviction of an offense, other than homicide a defendant who has appealed may be admitted to bail:

1. As a matter of right, when the appeal is from a judgment imposing a fine only.

2. As a matter of discretion in all other cases.

Disapproved March 19, 1921.

(S. B. No. 71.—Murphy by Request.)

TAXES WHEN DUE.

An Act to Amend and Re-enact Section 2185 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 67 of the Special Session Laws of North Dakota for the year 1919, Relating to Real Estate Taxes due and delinquent and the penalty and interest thereon.

Veto.

March 18, 1921.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 71 being an Act to Amend and Re-enact Section 2185 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 67 of the Special Session Laws of North Dakota for the year 1919, Relating to Real Estate Taxes due and delinquent and the penalty and interest thereon, without my approval for the reason that the wording of the bill is so mixed as to make it absolutely misleading; and for the further reason that Section 10 of Senate Bill 53, approved March 10, 1921, provides for collection of hail taxes and for penalties when they become delinquent and Chapter 67 of the Special Session Laws of 1919 provides collection of Real Estate Taxes and for penalties when such taxes become delinquent. Therefore I withhold my approval of this bill.

Very respectfully yours,

Lynn J. Frazier,

Governor.

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

§ 1. AMENDMENT.] Section 2185 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 67 of the Special Session Laws of North Dakota for the year 1919, is hereby amended and re-enacted to read as follows:

§ 2185. All real estate taxes shall become due on the first day of December in each and every year for which the tax is levied. One-half of such tax shall become delinquent on the first day of March follow-

ing. The full amount of hail insurance both flat and indemnity, and all Special assessments shall likewise become delinquent on the first day of March following, and if one-half is unpaid after that date there shall attach to the unpaid one-half of said tax, a penalty of 5%; and on the first day of June following an additional penalty of 2%, and on the first day of November following an additional penalty of 2%. If the one-half payment hereinbefore referred to shall be paid before the same becomes delinquent the remaining part shall become delinquent on the 15th day of October and if unpaid on that date a penalty of 5% shall be added thereto; and if such part remains unpaid on the first day of November and additional penalty of 5% shall be added. All penalties prescribed in this section shall be cumulative and be charged and collected accordingly without being specially added or noted on the tax list.

§ 2. Whereas an emergency exists, now, therefore, this measure shall take effect and be in force immediately after its passage and approval.

Disapproved March 18, 1921.

(S. B. No. 181.—Levang.)

RECORDS.

An Act to Amend and Re-enact Section 144 of the Compiled Laws of the State of North Dakota for the year 1913, relating to the Keeping of permanent books of record by the State Treasurer and the State Auditor, and authorizing the re-arrangement and revision of the present system, and providing an appropriation therefor.

Veto.

March 19, 1921.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 181, being an Act to Amend and Re-enact Section 144 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to the Keeping of Permanent Books of Record by the State Treasurer and the State Auditor, and Authorizing the Re-arrangement and Revision of the Present System, and providing an Appropriation therefor, without my approval for the reason that Senate Bill No. 25 makes appropriations for the needs of the offices concerned, and for the further reason that it is doubtful whether the new system of bookkeeping prescribed would be as efficient and economical as that set forth under the old law.

Very respectfully yours,

Lynn J. Frazier,

Governor.

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

§ 1. AMENDMENT.] That Section 144 of the Compiled Laws of the State of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 144. PERMANENT RECORDS.] Permanent records shall be kept by the State Treasurer showing the amount of moneys received or paid out, showing from whom received or to whom paid, and on what account, fund or appropriation, and showing also the accounts with each fund or appropriation, and showing also the daily balances and the amount in cash on hand; and the State Treasurer is hereby authorized to act jointly with the State Auditor, under the direction and with the approval of the State Examiner, in re-arranging and re-vising the systems of bookkeeping now in use in the offices of said State Auditor and State Treasurer for the purpose of obtaining better and less cumbersome and expensive permanent records for said offices. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$5,000.00 for the installation of book-keeping machines in the offices of the State Auditor and the State Treasurer, this amount to be divided equally between the two offices.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Disapproved March 19, 1921.