

§ 10. An emergency is hereby declared to exist and this act shall take effect and be in force from and after May 1st, A. D. 1927.

Approved March 7, 1927.

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## CORN

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### CHAPTER 107 (H. B. No. 362—Sperry)

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#### QUARANTINE AGAINST EUROPEAN CORN BORER

An Act Authorizing the Commissioner of Agriculture and Labor to Declare Quarantine Measures, Should it Be Necessary to Prevent the Introduction of the European Corn Borer into North Dakota, and Prescribing Penalty for Violations.

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

§ 1. The Commissioner of Agriculture and Labor is hereby empowered and authorized to prescribe, declare and enforce such reasonable quarantine measures and rulings as may be necessary to prevent the introduction into North Dakota of the European Corn Borer.

§ 2. Any violation of such quarantine measures and rulings shall be deemed to be a misdemeanor.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall take effect and be in full force and effect from and after its passage and approval.

Approved March 7, 1927.

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## CORPORATIONS

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### CHAPTER 108 (S. B. No. 137—Rusch)

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#### CONSOLIDATION, MERGER, ETC. OF CORPORATIONS INCL. BANK & TRUST COMPANIES

An Act Relating to, and Defining the Effect of, the Consolidation, Merger or Other Transfer of the Business of Corporations, Including Banks and Trust Companies, Organized Under the Laws of this State, Herebefore or Hereafter Effected.

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

§ 1. Whenever any two or more corporations, including banks and trust companies, organized under the laws of this State, have

heretofore consolidated, merged or otherwise transferred, or shall hereafter consolidate, merge or otherwise transfer, its business to another corporation, including bank or trust company, organized, or to be organized, under the laws of this State, the consolidated or new corporation, by whatever name it may assume, or be known, shall, unless otherwise provided in the agreement or order of merger or consolidation, be a continuation of the entities of each and all of the corporations, including banks and trust companies, so consolidated, merged or otherwise transferred to such consolidated or new corporation for all purposes whatsoever, and all of the rights, franchises and interests of said corporations, including banks and trust companies, so consolidated, merged or transferred in and to every species of property, real, personal and mixed and choses in action thereto belonging shall be deemed to be so transferred to and vested in the corporation which acquires the same on such consolidation, merger or other transfer without any assignment, deed or other transfer, and such corporation shall hold and enjoy the same and all rights of property, franchises and interests in the same manner and to the same extent as was held and enjoyed by the corporation, or corporations, including banks and trust companies, so consolidated, merged or otherwise transferred, including the holding and performing by any bank or trust company of any and all trusts and fiduciary relations whatsoever as to or for which either or any of the banks or trust companies so consolidating, merging or otherwise transferring may have been, or may be appointed, nominated or designated by any will, agreement, conveyance, or otherwise, whether or not such trust or fiduciary relation shall have come into being, or shall have taken effect at the time of such consolidation, merger or other transfer.

Approved March 3, 1927.

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## CHAPTER 109

(S. B. No. 179—Benson and Forbes)

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### EXTINCT DENOMINATIONAL AND RELIGIOUS SOCIETIES

An Act Amending and Re-enacting Sections 5012a2 and 5012a3 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Extinct Denominational and Religious Societies.

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

§ 1. AMENDMENT.] That Section 5012a2 of the Supplement to the 1913 Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 5012a2. WHEN DECLARED EXTINCT; PROCEDURE.] Any church or religious society which has failed for two or more consecutive years to maintain religious services according to the custom and usage of the denomination with which such church or society is or has been connected, may be declared extinct in the following manner, to-wit: Upon the presentation to the district court of the county within which such church or society is located of a verified petition by the majority of the resident members of such church or society, or by the duly incorporated association, conference, presbytery, synod, diocesan convention or other state or district ecclesiastical body or central organization of the denomination with which such church or society is or has been connected, stating fully the facts in the case, the court, or a judge thereof, shall issue an order to show cause why such church or society should not be declared extinct. Such order to show cause shall be made returnable at a term of court to be held in and for the county within which such church or society is located and not less than thirty days' notice of the hearing of such petition shall be given by advertisement in a newspaper published in said county designated by the judge of such court. Such judge shall order such additional notice to be given either by personal service, or otherwise, as to him may seem expedient. Provided, that when any such church or society has less than ten resident attending members making an annual contribution toward its support, it may be declared extinct in the manner hereinbefore prescribed in this article.

§ 2. That Section 5012a3 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 5012a3. ORDER DECLARING EXTINCT; HOW PROPERTY USED.] If such court, or the judge thereof, shall be satisfied from the evidence furnished upon the hearing on such petition that the said church or society has failed for a term of two or more years previous to such application to maintain religious services according to the custom and usage of the denomination with which it is or has been connected, or that there are less than ten resident attending members of such church or society making annual contribution toward its support, and that it will be best for all parties concerned to have such church or society declared extinct and the property thereof transferred as herein provided, the court or judge may make an order declaring such church or society extinct and direct the officers thereof, if any, or other proper person or persons to transfer all its property to the general ecclesiastical body or central organization, of whatever name, entitled thereto, or if there are no such local officers or other proper person or persons the order of the court or judge shall in specific terms operate as and effect a conveyance of such property, or the court may direct that the same be sold in such manner and upon such notice as shall be ordered,

and that the proceeds thereof, after payment of all debts of such church or society, shall be paid over to such central organization. Judgment shall be entered upon such order as in other actions or proceedings. Such central organization shall have power to control, manage or convey all such property and to invest all proceeds from the sale thereof so transferred to and vested in it, subject to the provision that the same, in whatever form it may exist, shall be used for the work of such central organization within the territorial limits of the State of North Dakota, and shall not be diverted to any other purpose.

Approved March 5, 1927.

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#### CHAPTER 110

(S. B. No. 256—Stevens and Hamilton)

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#### POWER FRATERNAL CORPORATIONS TO ACQUIRE PROPERTY

An Act to Amend and Re-enact Section 5031 of the Compiled Laws of North Dakota of 1913, Relating to Limit of Property that May Be Acquired by Fraternal Corporations.

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

§ 1. AMENDMENT.] That Section 5031 of the Compiled Laws of North Dakota of 1913 be amended and re-enacted to read as follows:

§ 5031. PROPERTY, POWER TO ACQUIRE.] Any such association shall have power to acquire property, both real and personal, by purchase, devise or bequest, to an amount not exceeding two hundred fifty thousand dollars in value, and to hold the same, and may sell, exchange or mortgage any or all property held or owned by it, in the manner determined by its by-laws or by a majority vote of its members present at a meeting called for such purpose.

Approved March 3, 1927.

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#### CHAPTER 111

(H. B. No. 267—Roberts)

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#### PLACE OF MEETINGS OF STOCKHOLDERS AND DIRECTORS OF CORPORATIONS

An Act to Amend and Re-enact Section 4550 of the Compiled Laws of North Dakota for the Year 1913, Providing the Place of Holding of Stockholders and Directors Meetings, and Repealing Section 4551 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] Section 4550 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4550. MEETINGS. WHERE HELD.] The meetings of stockholders of any corporation created and existing, or which may be hereafter created under and by virtue of the laws of the State of North Dakota held for the purpose of election of directors, must be held at its office or principal place of business within this State, and the originals or attested copies of all minutes of all meetings of its stockholders and directors must be kept at such office or principal place of business. Meetings of the Board of Directors may be held at such place within or without the State as may be provided in the by-laws; provided, that such corporation have one or more directors resident in this State, or have duly appointed an agent resident in this State upon whom service may be made.

§ 2. REPEAL.] Section 4551 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

Approved March 5, 1927.

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#### CHAPTER 112

(H. B. No. 298—Cox, by request)

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#### RENEWAL CORPORATE EXISTENCE PRIOR TO EXPIRATION

An Act to Provide for the Renewal of Corporate Existence and Repealing Section 4562 of the Compiled Laws of North Dakota, 1913.

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

§ 1. Any private corporation now existing in this State or which may hereafter be created under the laws of this State may at any time prior to the expiration of the period of its corporate existence as specified by its articles of incorporation or by the law of this State renew the terms of its corporate existence for another term of years, not exceeding the period limited by law, by its Board of Directors at any annual meeting of the Board or at any special meeting called for that purpose.

§ 2. A certificate must be signed by the chairman and secretary of the meeting at which the renewal is made and a majority of the directors showing the following:

(a) The name of the corporation, which shall be the existing name of said corporation at the time of such renewal;

(b) The name of the city, town or place and the county in which the principal place of business or office of the corporation is located;

(c) The date when such renewal is to commence, which date shall be prior to the date of the expiration of the charter desired to be renewed and the time for which such renewal is to continue;

(d) That the corporation desiring to renew and so renewing its period of existence is duly organized and carrying on the business authorized by its articles of incorporation.

§ 3. Section 4562 of the Compiled Laws of North Dakota, 1913, is hereby repealed.

Approved March 7, 1927.

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CHAPTER 113  
(S. B. No. 224—Sathre)

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RENEWAL CORPORATE EXISTENCE OF CORPORATIONS AFTER  
EXPIRATION

An Act Authorizing the Renewal of the Period of Corporate Existence of Certain Corporations Whose Period of Duration Has Expired Without the Renewal Thereof, and Legalizing Acts and Contracts of Such Corporation Made or Done and Performed Subsequent to the Expiration of the Original Period of Existence of Such Corporations.

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

§ 1. RENEWAL OF CORPORATE EXISTENCE.] Any corporation heretofore organized under the laws of this State, whose period of duration has expired and the same has not been renewed and such corporation has continued to transact its business, may renew its corporate existence from the date of the expiration of its period of duration for an additional period not exceeding twenty (20) years from and after the time of its expired period of duration, with the same force and effect as if renewed prior to the expiration of its term of existence, by taking the same proceedings and by paying into the state treasury twenty-five dollars in addition to the fees as now provided by law for the renewal of the corporate existence of such corporations in cases where such renewal is made before the end of its period of duration.

§ 2. TWO YEAR LIMITATION.] Such proceedings to obtain such extension shall be taken within two (2) years after the taking effect of this act.

§ 3. ORIGINAL ACTS DECLARED VALID.] When such steps are taken within such period, such proceedings shall relate back to the date of the expiration of said original corporate period, and when said period is extended as provided by this act, any and all corporate acts and contracts done, performed, made and entered into after the expiration of said original period, shall be and each is hereby declared to be legal and valid.

§ 4. APPLICATION.] This act shall not apply to any corporation the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction in this State, nor to any corporation as to which there is any action or proceedings pending in any of the courts in this State for the forfeiture of its charter, nor to any corporation whose directors have acted as trustees under the provisions of Section 4567, Compiled Laws of 1913.

§ 5. EMERGENCY.] An emergency is hereby declared to exist and this act shall, therefore, take effect and be in force from and after its passage and approval.

Approved March 3, 1927.

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## COUNTIES

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### CHAPTER 114

(H. B. No. 285—Johnson of Foster)

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#### SALARIES COUNTY AUDITOR, COUNTY TREASURER, SHERIFF AND COUNTY SUPERINTENDENT OF SCHOOLS

An Act to Amend and Re-enact Section 3551a1 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Salaries of County Auditor, County Treasurer, Sheriffs and County Superintendents of Schools.

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

§ 1. AMENDMENT.] That Section 3551a1 of the Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 3551a1. SALARIES OF COUNTY AUDITOR, COUNTY TREASURER, SHERIFFS AND COUNTY SUPERINTENDENTS OF SCHOOLS.] The salary of the county auditor, county treasurer, sheriff and county superintendent of schools shall be regulated by the population in the respective counties according to the last preceding official state or Federal census from and after the date when the official report of such census shall be published by the director of the census or such other official as may be charged with the duty of making such official publication.

Provided that county auditors, county treasurers, sheriffs and county superintendents of schools shall receive \$1,500.00 for their personal and official services in each year in counties having populations not exceeding 5,000; \$1,700.00 in counties having a population exceeding 5,000 and not exceeding 7,000; \$1,800.00 in counties having a population of 7,000 and not exceeding 8,000; provided further