

be deemed expense incurred in the performance of the duties of his office and paid as such; the expenses of all other members of the council shall be audited, and paid from the State Bar Fund in the same manner as other claims against such fund.

§ 11. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1927.

CHAPTER 125
(S. B. No. 234—Baird)

**SUPREME COURT DIRECT SPECIAL TERMS OF DISTRICT COURT
AND DESIGNATE JUDGES**

An Act to Authorize the Supreme Court to Direct the Calling of Special Terms in Any of the Counties of the State and to Designate a District Judge to Preside at Such Term.

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

§ 1. That the Supreme Court shall be and it is hereby authorized whenever in its judgment the ends of justice so require, to order a special term of the district court to be called in any county in the state; and it is further authorized to designate any one of the district judges in the state to call and preside at such term.

Approved March 3, 1927.

CRIMES and PUNISHMENTS

CHAPTER 126
(H. B. No. 127—Cox)

**MAXIMUM PUNISHMENT ON CONVICTIONS OF TWO OR MORE
FELONIES**

An Act Providing Maximum Punishments for Persons Convicted of a Felony Who Have Been Convicted of Two or More Felonies in Any State of the United States, and Prescribing the Procedure in Such Cases.

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

§ 1. That if a person commits a felony, within this State, after having been convicted of two felonies, either in this State or any other State of the United States, the maximum punishment or penalty of imprisonment for such offense shall be twice the maximum sentence now or hereafter prescribed by law for a first conviction of said offense.

§ 2. That if a person commits a felony, within this State, after having been convicted three or more times of felonies, either in this State or any other State of the United States, the maximum punishment or penalty of imprisonment for such offense shall be life imprisonment.

§ 3. If at any time before judgment and sentence, or at any time after judgment and sentence but before such judgment and sentence is fully executed, it shall appear that one convicted of a felony, has been previously convicted of crimes as set forth in sections one, or two of this Act, it shall be the duty of the State's Attorney of the county in which such conviction was had to file an information with the court wherein such conviction was had accusing such person of such previous convictions, whereupon the Court shall cause the said person, whether confined in prison or otherwise, to be brought before it, either in term or in vacation, and shall inform him of the accusations contained in said information by reading the same to him, and of his right to be tried as to the truth thereof according to law, and shall require such person to say whether he has been convicted as charged in said information or not. If he shall say that he has not been convicted as therein charged or refuses to answer, or remains silent, his plea, or the fact of his silence shall be entered of record, and the court shall make an order directing that the truth of the accusations made in said information be submitted to a jury at the then present term of court, if in term time and a jury be in attendance, unless continued for cause, or at the next ensuing term of court when a jury is in attendance. If the jury shall find and determine by evidence beyond a reasonable doubt that the accused has been guilty of one or more convictions as charged in said information, or if the accused acknowledges or confesses in open court, after being duly cautioned as to his rights, that he has been so convicted, the court shall sentence him to the punishment or penalty of imprisonment as in sections one or two provided, and shall vacate any previous judgment and sentence if one has heretofore been entered or imposed.

Whenever it shall become known to any warden or person in charge of the place of imprisonment wherein such person is confined, or to any probation, parole, police officer, or other peace officer that any person charged with or convicted of a felony, has been previously convicted within the meaning of sections one or two of this act, it shall be the duty of such person forthwith to report the facts to the State's Attorney of the county wherein the charge is pending or the conviction was had.

§ 4. Provided, that the provisions of this Act shall not apply to offenses made felonies by statute not involving moral turpitude.

Approved March 7, 1927.

CHAPTER 127
(S. B. No. 92—Sathre)

RACING ANIMALS FOR WAGER

An Act to Amend and Re-enact Section 9688, of the Compiled Laws of North Dakota for 1913, Relating to the Racing of Animals for Wager.

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

§ 1. AMENDMENT.] That Section 9688 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows:

§ 9688. All racing or trial for speed between horses or animals for any bet, stake or reward, except such as is allowed by special laws, is a common nuisance, and every person acting or aiding therein, or making or being interested in any such bet, stake or reward, is guilty of a misdemeanor; and in addition to the penalty prescribed therefor, he forfeits all title or interest in any animal used with his privity in such race or trial of speed, and in any sum of money or other property betted or staked upon the result thereof; provided, that this Section does not apply to racing or trials of speed between horses or other animals conducted under the management of State or county Fair Associations for prizes offered by such Associations, or at any picnic or public celebration.

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

Approved February 10, 1927.

DAIRY PRODUCTS

CHAPTER 128
(S. B. No. 153—Eastgate)

FALSE READING BABCOCK TEST OF BUTTERFAT, ETC.

An Act to Amend and Re-enact Section 2854 of the Supplement to the Compiled Laws, 1913.

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

§ 1. That Section 2854 of the Supplement to the Compiled Laws, 1913 be amended and re-enacted to read as follows:

§ 2854. FALSE READING UNLAWFUL.] It shall be unlawful for the owner, manager, agent or employee of any factory, station,