

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,

plant or place of any character whatsoever, where milk or cream or the products of either or both combined are tested, or for any other person, whatsoever, to manipulate, underread, overread, or in any other manner to alter the true reading of the Babcock test, or any other instrument, contrivance or method that is, or can be, legally used to determine the quality or value of butterfat in milk or cream or the products of either, or both combined.

§ 2. PENALTY.] Any person, co-partnership, or corporation, or any agent, servant or employee of either, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and be punished by a fine of not less than \$50.00 (fifty dollars), nor more than \$100.00 (one hundred dollars), or by imprisonment for not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

§ 3. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in full force immediately upon its passage and approval.

Approved March 3, 1927.

CHAPTER 129

(S. B. No. 27—Committee on Appropriations)

MILK AND CREAM TESTING LICENSE

An Act to Amend and Re-enact Chapter 103, Session Laws 1917, the Same Being Section 2863b7 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925.

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

§ 1. AMENDMENT.] That Chapter 103, Session Laws 1917, the same being Section 2863b7 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, is hereby amended and re-enacted to read as follows:

§ 2863b7. It shall be unlawful for any person to sample or test milk, cream, or any other dairy products for the purpose of determining the commercial value of such product when bought or sold, without first having secured a license from the state dairy department and such license shall be conspicuously displayed in his place of business. Provided that in case of sickness or necessary absence, said person may appoint a substitute for six days and for a longer period subject to approval of the dairy commissioner, but said person shall be responsible for the acts of said substitute.

This license shall be granted to those who shall have completed a course in milk and cream testing in any recognized college or dairy school, or, to those who shall pass an examination under the direction of the state dairy department and satisfactorily demonstrate that they are properly qualified and competent to use such test.

The dairy commissioner shall have the authority to revoke any license issued under the provisions of this act if the holder is convicted of a failure to comply with the state dairy law. Said license shall be granted for a period of one year by the dairy department upon payment of a fee of two dollars (\$2.00) payable prior to examinations, one dollar (\$1.00) of which shall be returned in case of failure to pass said examination. In the case of a renewal of a license, a fee of one dollar (\$1.00) shall be paid.

The fees collected under the provisions of this act shall be paid into the general fund of the state treasury monthly by the dairy commissioner.

Approved February 3, 1927.

CHAPTER 130

(H. B. No. 238—Johnson of Ward)

REGULATION USE AND SALE GLASS CONTAINERS FOR TESTING MILK AND CREAM

An Act Regulating the Use and Sale of Bottles and Glassware for Testing Milk and Cream for Butter Fat.

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

§ 1. Any person shall be guilty of a misdemeanor who shall within this state test milk or cream for butter fat by the use of any bottles or glassware which do not conform to the Standard Babcock test bottles for milk and cream, which shall be the following:

1. Eight per cent, 18-gram, 6-inch milk-test bottle.
2. Fifty per cent, 9-gram, short neck (6-inch) cream-test bottle.
3. Fifty per cent, 9-gram, long neck (9-inch) cream-test bottle.
4. Fifty per cent, 18-gram, long neck (9-inch) cream-test bottle.
5. Fifty per cent, 18-gram, short neck (6-inch) cream-test bottle.

1. Eight Per Cent, 18-Gram, So-Called (6-inch) Milk-test Bottle. Graduation: The total per cent graduation shall be 8. The graduated portion of the neck shall have a length of not less than 63.5 mm. (2.5 inches). The graduation shall represent whole per cent, five-tenths per cent, and tenths per cent. The tenths per cent graduation shall be not less than 3 mm. in length; the five-tenths per cent graduations shall be 1 mm. longer than the tenths per cent

graduations, projecting 1 mm. to the left; the whole per cent graduations shall extend one-half way around the neck to the right, projecting 2 mm. to the left of the tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The maximum error of the total graduation or any part thereof shall not exceed the volume of the smallest unit of the graduation.

Neck: The neck shall be cylindrical for at least 5 mm. below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 mm.

Bulb: The capacity of the bulb up to the junction of the neck shall not be less than 45 ml. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between 34 and 36 mm.; if conical, the outside diameter of the base shall be between 31 and 33 mm. and the maximum diameter between 35 and 37 mm.

The charge of the bottle shall be 18 grams.

The total height of the bottle shall be between 150 and 165 mm. ($5\frac{7}{8}$ and $6\frac{1}{2}$ inches).

Each bottle shall bear a permanent identification number.

2. Fifty Per Cent 9-Gram, So-Called Short Neck (6-inch) Cream-Test Bottle. Graduation: The total per cent graduation shall be 50. The graduated portion of the neck shall have a length of not less than 63.5 mm. (2.5 inches). The graduation shall represent 5 per cent, 1 per cent and 0.5 per cent. The 0.5 per cent graduations shall be at least 3 mm. in length; the 1 per cent graduations shall be 2 mm. longer than the 0.5 per cent graduations, projecting 2 mm. to the left; the 5 per cent graduation shall extend halfway around the neck to the right. Each 5 per cent graduation shall be numbered, the number being placed on the left of the scale. The maximum error of the total graduation or any part thereof shall not exceed the volume of the smallest unit of the graduation.

Neck: (Same as standard milk-test bottle.) The neck shall be cylindrical for at least 5 mm. below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 mm.

Bulb: (Same as standard milk-test bottle). The capacity of the bulb up to the junction of the neck shall not be less than 45 ml. The shape of the bulb may be either cylindrical or conical,

with the smallest diameter at the bottom. If cylindrical, the outside diameter of the base shall be between 31 and 33 mm. and the maximum diameter between 35 and 37 mm.

The charge of the bottle shall be 9 grams. All bottles shall bear on top of the neck above the graduations in plainly legible characters a mark denoting the weight of the charge to be used (9 grams.)

The total height of the bottle shall be between 150 and 165 mm. (5 $\frac{7}{8}$ and 6.5 inches). (Same as standard milk-test bottles).

Each bottle shall bear a permanent identification number.

3. Fifty Per Cent 9-gram, So-called Long Neck (9 inch) Cream-Test Bottles.

The same specifications in every detail as specified for the 50 per cent 9-gram 6-inch cream-test bottle shall apply to the 9-inch bottle, with the exception, however, that the total height of this bottle shall be between 210 and 229 mm. (8 $\frac{1}{4}$ and 9 inches), and the graduated portion of the neck shall have a length of not less than 120 mm.

4. Fifty Per Cent 18-Gram, So-Called Long Neck (9-inch) Cream-Test Bottles.

The same specifications in every detail as specified for the 50 per cent 9-gram, 9-inch cream-test bottle shall apply, except that the charge shall be 18 grams. All bottles shall bear on top of the neck above the graduations in plainly legible characters a mark denoting the weight of the charge to be used (18-grams).

THE STANDARD BABCOCK PIPETTE

Total length of pipette not more than	mm.	330
Outside diameter of suction tube	mm.	6-8
Length of suction tube	mm.	130
Outside diameter of delivery tube	mm.	4.5-5.5
Length of delivery tube	mm.	100-120
Distance of graduation mark above bulb	mm.	15-45
Tolerance	ml.	0.05

Nozzle straight.

To contain 17.6 ml. of water at 20° C.

Delivery in 5 to 8 seconds.

5. Fifty per cent 18-gram, So-called Short Neck (6-inch) Cream-test Bottle; which shall be the same specification in every detail as specified for the 50 per cent, 9-gram 6-inch cream-test bottle, except that the charge shall be 18 grams and the flare at the top of the neck of the bottle shall be at least 15 mm. in diameter.

§ 2. No person shall be guilty of a violation of this Act, nor be subject to prosecution thereunder who has, for the purpose of testing milk and cream for butter fat, used bottles or glassware purchased from a manufacturer who has filed a bond and been assigned a designating number as provided in the following section.

§ 3. Any manufacturer desiring to sell, in this state, bottles and glassware for use in testing milk and cream for butter fat may make application to the Dairy Commissioner for the registration of a trade mark adopted by such manufacturer and to receive from the Dairy Commissioner a designating number, and shall at the time of filing such application file with such Commissioner a bond in the sum of One Thousand Dollars payable to the State of North Dakota, with sureties, which said sureties, if personal, shall be residents of this state, and if a surety company, shall be authorized to do business in this state, conditioned that it will sell in this state only such bottles and glassware as shall conform to the Standard Babcock test, and which shall have clearly blown or otherwise permanently marked in the side thereof the capacity of the same and the word "Sealed", and in the side or bottom the trade mark and the designating number of the manufacturer, which said trade mark and designating number shall be different for each manufacturer. Such bond shall be valid for a period of three years from the date of its execution, unless prior to that time it shall appear to the Dairy Commissioner that the surety or sureties thereon have become insolvent or non-residents of the state or, if a surety company has ceased to do business in this state, whereupon he shall be authorized to cancel such bond and require a new bond to be filed. Upon the making of such application and the filing of such bond, the Dairy Commissioner shall assign to the applicant a designating number and cause a record to be made thereof in his office, together with a record of such trade mark.

§ 4. Any manufacturer who shall have made the application and filed the bond aforesaid and to whom shall have been assigned a designating number, who shall sell in this state any bottles or glassware which do not conform to the Standard Babcock test and be marked as provided in the foregoing section, shall forfeit to the State of North Dakota the sum of Five Hundred Dollars to be recovered in an action for that purpose brought in the name of the State of North Dakota by the Attorney General against the surety or sureties upon such bond. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell any milk or cream test bottle, which is not in compliance with the above specifications, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

§ 5. REPEAL.] Section 2853 of the Supplement to the Compiled Laws of North Dakota for the year 1913, is hereby repealed.

Approved March 7, 1927.

DEPOSITORS' GUARANTY FUND COMMISSION

CHAPTER 131

(S. B. No. 23—Committee on Appropriations)

SPECIAL DEPOSITS

An Act to Amend and Re-enact Section 9 of Chapter 200, Session Laws 1923, the Same Being Section 5220b9 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, Relating to the Depositors' Guaranty Fund Commission.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 200, Session Laws 1923, the same being Section 5220b9 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, be, and the same hereby is, amended and re-enacted to read as follows:

§ 9. (Section 5220b9) Whenever the Commission shall acquire information leading it to believe that any bank admitted under such fund is being irregularly or inefficiently, or dishonestly conducted, or is insolvent, as that term is defined by the Banking Laws, it shall be its duty to investigate the same as promptly as possible as in Section 8 hereof provided; and at any time during the progress of such investigation if it appears that such bank is probably insolvent, such commissioner or inspector shall have authority to make an order requiring all deposits received during such examination to be set aside and held intact as "Special Deposits," which shall only be used to reimburse the depositor; and if at the close of such examination the commissioner or inspector shall find such bank to be insolvent within the meaning of the Banking Laws, he shall have authority to extend such order for such further period as shall be necessary to enable the Commission to meet and take action with reference to the affairs of such bank; but such meeting and action must be taken within thirty days from the time of extending such order. Upon completing such examination, such commissioner or inspector shall immediately prepare a report of the result thereof, and submit the same to the Commission and the State Examiner.