

measure, and shall take effect and be in force from and after its passage and approval.

Approved March 18, 1939.

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## CHAPTER 135

H. B. No. 243—(Bergesen)

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### UNLAWFUL ENTRY

An act to amend and re-enact Section 9878 of the Compiled Laws of the State of North Dakota for the year 1913 relating to unlawful entry.

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

§ 1. AMENDMENT.] Section 9878 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 9878. UNLAWFULLY ENTERING BUILDING.] Every person who, under circumstances not amounting to any burglary, enters any building or part of any building, booth, tent, warehouse, railroad car, motor vehicle or trailer, vessel or other structure or erection with intent to commit any felony, larceny or malicious mischief, is guilty of a misdemeanor.

Approved March 1, 1939.

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## DANCES

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## CHAPTER 136

H. B. No. 106—(Gray & Bergesen)

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### DEFINING A PUBLIC DANCING PLACE

An act to amend and re-enact Section 1 of Chapter 128 of the Session Laws of the State of North Dakota for the year 1925, being Section 3163a1 of the Supplement to the 1913 Compiled Laws of the State of North Dakota, defining a public dancing place.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 128 of the Session Laws of the State of North Dakota for the year 1925, being Section 3163a1 of the 1925 Supplement to the 1913 Compiled Laws

of the State of North Dakota, be amended and re-enacted to read as follows:

§ 3163a1. DEFINITIONS.] A public dancing place, as the term is used in this act, shall be taken to mean a room, place or space open to public patronage where dancing in which the public may participate is carried on and to which an admission may or may not be charged. A public dance, as the term is used in this act, shall be taken to mean any dance where the public may participate, and whether or not an admission fee is charged.

Approved March 7, 1939.

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## DRUGS

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### CHAPTER 137

H. B. No. 257—(Ista)

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#### MARIHUANA

An act to amend and re-enact Chapter 106 of the 1933 Session Laws, relating to marihuana, and defining marihuana as a narcotic and a habit forming drug; prohibiting the sale or gift thereof; providing a penalty for violation; and declaring an emergency.

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

§ 1. AMENDMENT.] That Chapter 106 of the 1933 Session Laws of the State of North Dakota for the year 1933 be amended and re-enacted to read as follows:

§ 1. DEFINING MARIHUANA.] The term marihuana means all parts of the plant *Cannabis sativa*, and also known as American hemp and India hemp, is hereby declared to be a narcotic and a habit forming drug. It shall be unlawful for any person, persons, firm, corporation or association, to grow, sell, trade, furnish or give away or to have in his possession, marihuana known by any of its names, botanically or otherwise, or any compound, derivative or preparation thereof.

§ 2. PENALTY.] Any person, who shall violate any of the provisions of this act, shall upon conviction thereof, be fined not more than \$2,000.00 or imprisoned not more than five years, or both, in the discretion of the court.

§ 2. DUTIES OF SHERIFF.] It shall be the duty of the sheriffs in their respective counties, to destroy all marihuana found growing on public highways or lands under the jurisdiction and control of