

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.

DRUGS

CHAPTER 137

H. B. No. 257—(Ista)

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

the State or county. The sheriff shall keep a record of all marihuana so destroyed and report the same to the State's attorney of the county, giving the description of the premises where found and the amount destroyed.

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

Approved March 7, 1939,

ELECTIONS

CHAPTER 138

H. B. No. 101—(Joiner)

FILLING VACANCIES COUNTY NO-PARTY BALLOT

An act to amend and re-enact Chapter 137, Session Laws of 1931, relating to filling of vacancies of elective county officers, superintendent of schools and county commissioners on the No-Party Ballot.

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

§ 1. AMENDMENT.] Chapter 137 of the Session Laws of 1931 is hereby amended and re-enacted as follows:

§ 1. Whenever a vacancy shall exist on the no-party ballot in any county, or district within any county, by reason of the death of any person who was a candidate and was nominated at the primary election, or whenever a vacancy shall exist on the no-party ballot due to the failure of a candidate or candidates at the primary election to receive the number of votes required by Section 862a of the Supplement to the Compiled Laws of 1913, or whenever a vacancy shall exist on the no-party ballot by the conviction of a candidate of a crime or offense involving moral turpitude, or due to the death, insanity or mental incompetency of any such candidate, then and in that event, such vacancy may be filled by filing with the county auditor at least thirty days prior to the general election a petition in writing as provided for in Section 854, Supplement to the Compiled Laws of 1913 and acts amendatory thereof and supplemental thereto by such person or persons as desire to become a candidate or candidates for the election to the office for which a vacancy exists pursuant to the terms of this act, except that the petition for the nomination of any person to fill such vacancy shall be signed by at least twenty per cent (20%) of the voters of such county or district.

Approved February 15, 1939.