

and reenacted to read as follows:

21. For boarding prisoners, a sum to be determined by the county commissioners, by resolution in advance, which sum shall in no case exceed two dollars per day.

§ 2. 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 February 27, 1947.

CRIMES AND PUNISHMENTS

CHAPTER 131

S. B. No. 228—(Shure)

GENERAL POWERS BOARD OF PARDONS

AN ACT

To amend and reenact Section 12-5510 of the North Dakota Revised Code of 1943, relating to the general powers of the board of pardons.

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

§ 1. AMENDMENT.] That Section 12-5510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-5510. GENERAL POWERS OF BOARD OF PARDONS.] The board of pardons may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matters pending before said board. If any such person or officer disobeys the order of the board, the chairman, or acting chairman, of such board, may apply to any judge of the district court for an order requiring the attendance of such person or officer, with or without books and papers described in the process. The failure of any such person or officer to comply with such order of the district court shall be held to be a contempt of court and shall be punishable accordingly. Any member of the board of pardons, the parole officer, or anyone appointed by the board to secure informa-

tion for said board, shall have the power to examine witnesses and records, and to administer oaths to witnesses. Any witness testifying falsely after the oath has been administered to him shall be guilty of perjury and shall be punished accordingly. It may employ psychiatrists or specialists for mental or medical examination of applicants before the board, and may take such reasonable steps as it may deem necessary for proper determination of any matters before it. Subject to the taking effect of the provisions of Chapter 56 of this title, the board of pardons may make reciprocal arrangements with parole officers of other states for the parole of prisoners and juvenile delinquents beyond state lines.

Approved March 20, 1947.

CHAPTER 132

S. B. No. 186—(Committee on General Affairs)

BURIAL EXPENSE INMATES PENITENTIARY AND TRAINING SCHOOL

AN ACT

To amend and reenact Section 12-4506 of the North Dakota Revised Code of 1943, relating to burial expense of persons confined in the penitentiary or the state training school.

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

§ 1. AMENDMENT.] That Section 12-4506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-4506. EXPENSES OF INQUEST: REPORT OF OFFICER; PAYMENT; BURIAL EXPENSE LIMITED.] The officer holding the inquest shall make an itemized statement and report, verified by his oath, showing in detail the expenses of the inquest and for what and to whom all items of fees, services, or supplies are payable. The fees of the officer holding the inquest and of the jurors, witnesses, and physicians shall be the same as in other cases of inquest, but no officer or inmate of the penitentiary or state training school shall be entitled to any fee or other allowance on account of any service rendered at the inquest. The expense of the burial of the body, exclusive of the fees allowed by law to officers, jurors, physicians, and witnesses shall not exceed the sum of seventy-five dollars. All claims arising out of such inquest shall be audited and separate warrants shall be drawn upon the state treasurer for the

amount allowed to each person named in the statement and report of the officer conducting the inquest, and the warrants shall be paid out of the state treasury.

Approved March 20, 1947.

CHAPTER 133

H. B. No. 53—(Langley and Legislative Research Committee)

PROHIBITING CERTAIN FEDERAL AND RELATED NAMES ALSO MISLEADING TRADE PRACTICES; PENALTIES

AN ACT

To prohibit the use of certain federal and related names and certain misleading trade practices; and prescribing penalties for the violation thereof and providing for injunctive relief.

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

§ 1. PROHIBITING USE OF CERTAIN FEDERAL AND RELATED NAMES IN SALE OF MERCHANDISE.] No person, firm, corporation, or association, not an agency or instrumentality of the United States government, selling or offering for sale goods, wares or merchandise, shall use or cause or permit to be used in the corporate or trade name, or description of the seller or of the place where the goods, wares or merchandise are offered for sale, any of the following words or expressions, viz., "Army," "Navy," "Marine Corps," "Marines," "Coast Guard," "Government," "Post Exchange," "P-X," or "G.I."; or any word or expression which may lead the public to believe that the seller or the place is owned, operated or managed by the United States government or its military or naval forces or any agency of the United States government.

§ 2. REPRESENTATION THAT ARTICLE HAS FEDERAL RELATIONSHIP, PROHIBITED.] No person, firm, corporation, or association selling or offering for sale any article of merchandise in any manner, shall represent, contrary to the fact, that the article was made for, or acquired directly or indirectly from, the United States government or its military or naval forces or any agency of the United States government, or that the article conforms to government specifications or requirements, or that it has been disposed of by the United States government.

§ 3. PENALTY.] Any person, firm, or corporation or

association violating any provisions of this Act shall be guilty of a misdemeanor.

§ 4. INJUNCTION.] In addition to the penalties provided in this Act, the courts of this state are invested with the jurisdiction to prevent and restrain violations of this Act by injunctive proceedings. The attorney general and the several state's attorneys shall institute suits in equity in behalf of this state, to prevent and restrain violations of the provisions of this Act. Any person damaged, or who is threatened with loss or injury, by reason of a violation of the provisions of this Act, shall be entitled to sue for and have injunctive relief in the district court against any damage or threatened loss or injury by reason of a violation hereof.

Approved March 14, 1947.

CHAPTER 134

S. B. No. 225—(Shure)

SUSPENSION OF IMPOSITION OF SENTENCES, DISMISSAL OF INFORMATION OR INDICTMENT IN CERTAIN CASES

AN ACT

Relating to crimes, permitting suspension of imposition of sentences, dismissal of information or indictment in certain cases; and declaring an emergency.

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

§ 1. When a defendant has been found guilty of a misdemeanor or felony for the first time either by plea or verdict of guilty, the court upon application or its own motion may, in its discretion, suspend the imposing of the sentence and may direct that such suspension continue for a definite period of time, not exceeding five years, and upon such terms and conditions as it shall determine.

§ 2. In such event the court shall place said defendant under the control and management of the board of pardons, subject to the same rules and regulations as apply to persons placed on probation under suspended sentence as provided in chapter 12-53 of the North Dakota Revised Code of 1943. The board of pardons shall assume and undertake the supervision of said probationer, promulgating rules and regulations for the conduct of such person during the term of his

probation. The court may designate the clerk of district court, the sheriff, the state's attorney, or any other person to act as sponsor for the defendant. It shall be the duty of the sponsor to assist the probationer in making his monthly reports to the board of pardons, to report any violations, and to counsel and direct said probationer whenever possible.

§ 3. Whenever the board of pardons shall have reason to believe such defendant is violating the terms of his probation, such probationer shall be brought before the court wherein the probation was granted. For this purpose any peace officer or state parole officer may re-arrest the probationer without warrant or other process. The court may thereupon, in its discretion, without notice revoke and terminate such probation, pronounce judgment, and deliver defendant to the sheriff to be transferred to the penitentiary or other state institution in accordance with the sentence imposed.

§ 4. If, after suspension of imposition of sentence, such probationer leaves the jurisdiction prior to the expiration of his probationary period without permission of the court or the board of pardons, he shall be deemed an escapee and a fugitive from justice.

§ 5. The court shall have authority at any time during the course of probation to (1) revoke, modify or change its order of suspension; (2) it may at any time, when the ends of justice will be served thereby, and when the reformation of the probationer shall warrant, terminate the period of probation and discharge the person so held.

§ 6. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, may at any time be permitted in the discretion of the court to withdraw his plea of guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may dismiss the information or indictment against such defendant, who shall then be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The clerk of the district court shall file all papers, including the findings and final orders in proceedings had hereunder and shall note the date of filing on the papers. The records and papers shall be subject to examination by said clerk, the judges of the court, the juvenile commissioner, and the state's attorney. Others may examine such records and papers only upon the written order of one of the district judges.

§ 7. In any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or information or indictment dismissed.

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

Approved March 20, 1947.

DOMESTIC RELATIONS AND PERSONS

CHAPTER 135

H. B. No. 330—Brickner and Starck)

ADOPTION—WHO MAY PETITION DISTRICT COURT

AN ACT

To amend and reenact Section 14-1108 of the North Dakota Revised Code of 1943 relating to petitions for adoption and providing for their filing in the district court of the judicial district of petitioner's residence and eliminating provision for filing in county courts of increased jurisdiction; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 14-1108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1108. WHO MAY PETITION DISTRICT COURT FOR ADOPTION.] Any person may petition the district court in the judicial district in which he is a resident, for leave to adopt a minor child, and if desired for a change of the child's name.

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

Approved March 15, 1947.