

other manner or donated to said asylum, shall be deposited with the State Treasurer, to be kept by him in a separate fund, which shall be known as the Deaf and Dumb Asylum Fund, and be used exclusively for the benefit of said Deaf and Dumb Asylum as may be herein or hereafter provided.

§ 3. BOOKS OPEN TO INSPECTION.] Every duty and contract to be performed by said trustees must receive the approval of the majority of the board in regular session duly called, in order to make binding and valid. That all proceedings of said board shall be recorded in a book kept for that purpose, and open to the inspection of anybody on request.

§ 4. ITEMIZED VOUCHERS.] All money that may come into the treasury of the State of North Dakota, and credited to the Deaf and Dumb Asylum, shall be paid out to the parties entitled thereto, and the State Auditor is hereby directed to draw his warrant on the funds in the hands of the State Treasurer belonging to said Deaf and Dumb Asylum upon the written order of the said board of trustees, which order shall be accompanied by itemized vouchers for the full amount of such order; *Provided*, no such order shall be issued until there is cash in the treasury with which to pay the same.

§ 5. NO COMPENSATION.] The trustees shall receive no compensation for performing the duties herein prescribed.

§ 6. EMERGENCY.] There being no law authorizing the building of additional and necessary buildings for said asylum, and in order to at once receive donations to pay for the same; *Therefore*, this act shall take effect and be in force immediately from and after its passage and approval.

Approved March 9, 1897.

DOMESTIC CORPORATIONS.

CHAPTER 73.

[S. B. 19.]

REGULATING DOMESTIC CORPORATIONS.

AN ACT to Regulate Domestic Corporations.

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

§ 1. REGULATING DOMESTIC CORPORATIONS.] Whenever any corporation organized under the laws of the territory of Dakota or State of North Dakota shall fail or neglect for one year to transact its usual and corporate business within this state, or shall fail or neglect for one year to keep and maintain a public office

at its principal place of business within this state for the transaction of its usual and regular business, and shall not within such year by a duly executed instrument filed in the office of the Secretary of State constitute and appoint the Secretary of State and his successors, its true and lawful agent and attorney, upon whom all process in any action or proceeding against it may be served, and agree therein that any process which may be served on its said agent and attorney shall be of the same force and validity as if served upon it personally within this state, and provide therein that such appointment shall continue in force irrevocable so long as any liability of the corporation remains outstanding in this state, such corporation shall be deemed to have abandoned and forfeited its franchise, and shall not thereafter commence or maintain any action in any of the courts of this state; *Provided*, that any such corporation may file such instrument within thirty days after this act shall take effect and be in force.

§ 2. SECRETARY SHALL KEEP RECORD.] Upon the filing of such instrument in the office of the Secretary of State, service on such secretary as the agent and attorney of the corporation shall be deemed sufficient service on the corporation, and such secretary shall forthwith mail the process so served to some officer or director of the corporation if he shall know the postoffice address of any such officer or director, or to such other person as may have been previously designated by the corporation, by written notice filed in the office of the Secretary of State, and the secretary shall keep a record of all such process, which shall show the day and hour of such service. As a condition of valid service, the plaintiff shall pay to the Secretary of State at the time of service the sum of two dollars, which shall be taxed as costs and recovered by him if he prevail in the action.

§ 3. EMERGENCY.] *Whereas*, an emergency exists in that there is no adequate law providing for the failure of domestic corporations to transact their usual business within this state, this act shall take effect and be in force from and after its passage and approval.

Approved February 17th, 1897.

CHAPTER 74.

H. B. 321

SERVICE OF SUMMONS.

AN ACT to Amend Subdivision Four of Section Five Thousand Two Hundred and Fifty-two of the Revised Codes of North Dakota, Relating to the Service of Summons on Domestic Corporations in Civil Actions.

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

§ 1. AMENDMENT.] That subdivision four of section five thousand two hundred and fifty-two of the Revised Codes of North Dakota is hereby amended so as to read as follows, to-wit:

4. If the defendant is a domestic corporation organized under the laws of the Territory of Dakota, or of this state, to the president, or other head of the corporation, secretary, cashier, treasurer, a director or managing or authorized agent thereof, and such service may be made within or without this state. In case the sheriff shall return the summons with his certificate that no such officer, director or agent can conveniently be found in his county, service may be made by leaving a copy of the summons at any office of such corporation within this state, with the person in charge of such office.

§ 2. EMERGENCY.] *Whereas*, an emergency exists in that no adequate provision of law exists for the service of summons on domestic corporations which have no officers or directors within this state, this act shall take effect and be in force from and after its passage and approval.

Approved March 9th, 1897.