

provisions of this chapter shall not apply to corporations created for religious or charitable purposes solely nor to the holding and disposing of such real estate as may be acquired only by foreclosure or otherwise, in liquidation of mortgages or other securities by corporations which may not have complied with the provisions of this article.

§ 2. That Section 4698 of the Revised Codes of North Dakota for 1905 be and the same is hereby amended to read as follows:

§ 4698. LIABILITY OF OFFICERS, ETC. FOR FAILURE TO COMPLY.] Any failure to comply with the provisions of the last three sections and with section 3116 of this code shall render each and every officer, agent or stockholder of any corporation, association or joint stock company failing to comply therewith, jointly and severally liable on any and all contracts of such corporation, association or joint stock company made within this state during the time such corporation, association or joint stock company is so in default. Each and every officer and agent of such corporation, shall further be deemed guilty of a misdemeanor.

§ 3. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 6, 1911.

---

## FREE PASS

---

### CHAPTER 138.

[S. B. No. 165—Committee on Railroads]

---

#### PROHIBITING OF FREE PASSES.

AN ACT To Prohibit the Granting to or Use by any Person of any Free Pass, Frank, or Special Privilege Withheld From Any Other Person, and Fixing the Penalty for the Violation Thereof, except as Provided Therein.

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

§ 1. FREE PASSES, FRANKS AND SPECIAL PRIVILEGES PROHIBITED. EXCEPTIONS.] No common carrier subject to the provisions of this act, shall, directly or indirectly, issue or give any free ticket, free pass or free transportation for passengers except to its employes and their families, its officers, bona fide agents, surgeons, physicians and attorneys at law on the pay roll of the common carrier; to ministers of religion, traveling secretaries of railroad, Young Men's Christian Association, inmates of hos-

pitals and charitable, eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals and the necessary agents employed in such transportation; to inmates of national homes or state homes for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary care-takers of live stock, poultry, milk, fruit and vegetables; to employes on sleeping cars, express cars, and to linemen of telegraph and telephone companies if operated in connection with said common carriers; to railway mail service employes, post-office inspectors, custom inspectors and immigration inspectors; to news boys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in wrecks and physicians and nurses attending such persons.

Provided, further, that the provisions of this act shall not be construed to prohibit or make unlawful the transportation of city policemen, firemen, mail carriers and postmen on the street railways in the cities of this state.

Provided, further, that the provisions of this act shall not be construed to make unlawful the granting of reduced homeseekers' rates or the granting of round trip excursion rates to any class of persons, provided that all persons of that class shall be allowed equal privileges in respect to such homeseekers' or excursion rates, but excursion rates shall not be allowed any persons or representatives of any political party to enable them to attend any political meeting either as delegates or otherwise.

Provided, further, that the provisions of this act shall not be construed to make unlawful the granting of free transportation to persons engaged in the state geological survey, farmers' institute lecturers, and persons rendering service on "good farming special trains."

Provided, further, that the provision shall not be construed to prohibit the interchange of passes for officers, agents and employes of common carriers and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation; and

Provided, further, that this provision shall not be construed to prohibit the privilege of passes or franks or the exchange thereof with each other for the officers, agents, employes and their families, of express companies, and their officers, agents, employes and families of other common carriers subject to the provision of this act;

Provided, further, that the term "employes" as used in this paragraph, shall include furloughed, pensioned and superannu-

ated employes, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier, and the ex-employes traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph, shall include the families of those persons named in this provision, also the families of persons killed and the widows during the widowhood and minor children during minority, of persons who died while in the service of any such common carrier.

§ 2. PENALTY.] Any common carrier violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of this state of competent jurisdiction, be subject to a fine of not more than five hundred (\$500.00) dollars for each offense; and any person other than the persons excepted in this act who uses any such free ticket, free pass or free transportation, shall be subject to a like penalty.

Approved February 21, 1911.

---

## GAME AND FISH

---

### CHAPTER 139.

[S. B. No. 269—Baker]

---

#### PROTECTION OF BIRDS AT DEVILS LAKE.

AN ACT Creating a Reserve at Devils Lake, North Dakota, and Providing for the Protection of Birds and Their Nests within such Reserve.

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

§ 1. That all islands that have appeared or may appear in the waters of Devils Lake, North Dakota, are hereby reserved, appropriated and set aside as a bird reserve and it shall be unlawful for any person to hunt, shoot, kill, wound or injure any bird, or to rob or destroy any bird nest or eggs on said reserve at any season of the year.

§ 2. Every violation of this act shall be declared a misdemeanor, and shall be punishable by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

§ 3. Whereas, an emergency exists in that the nesting season