

INDEX

(References are to sections.)

ABANDONMENT.

- defined, 6592.
- article on finding not applicable to things abandoned, 6048.
- when ship may be abandoned, 5657.
- control of property where one spouse has been abandoned, 4417-4419.
- husband abandoned by wife, not liable for her support, 4416.
- abandoning or refusing to support wife, misdemeanor, punishment, 9593, 9594.
- of child,
 - of child under six years, punishment, 9589.
 - parent omitting to provide for child, 9590.
 - abandonment or refusing to support minor child, 9591.
 - punishment, 9593, 9594.
 - child deemed to be abandoned, when, 5110.
 - as presumptive evidence of relinquishment of right to child's earnings, 4436.

ABATEMENT.

- of nuisance, see Nuisance.
- of taxes, how made, 2165.
- of unpaid taxes, for what reason allowed,
 - double assessment of property, 2273.
 - lands assessed to the United States, 2273.
 - lands on which taxes have been declared illegal, 2273.
- of action,
 - death of party in action for death by wrongful act, does not cause, 8324.
 - transfer of party's interest is not, 7408.
 - death of party is not, when, 7408.
 - marriage of party is not, 7408.
 - by death of assignee, 8386.

ABBREVIATIONS.

- judicial notice of meaning of, 7938.

ABDUCTION.

- of a wife from her husband, forbidden, 4355.
- of husband from his wife, forbidden, 4355.
- of a child from a parent or guardian, forbidden, 4355.
- of a parent from his child, forbidden, 4355.
- of a servant from his master, forbidden, 4355.
- for prostitution, punishment for, 9574.
- coverture no excuse for, 9213.

ABORTION.

- acts constituting; punishment, 9489, 9490.
- procuring, punishment for, 9604.
- soliciting or submitting to attempt at, 9605.
- concealing still birth or death of bastard, 9605.
- coverture no excuse for, 9213.
- requisite proof to sustain conviction of, 10843.

INDEX.

(References are to sections.)

ABSENCE.

death presumed from absence, when, 7921.

ABSENTEE.

statute of limitation as to, 7384.

ABSENT VOTER.

provisions for counting vote of, 992-1004.

ABSTRACT OF TITLE.

prima facie evidence of title, 5547.

duty of county treasurer as to certifying abstracts of title to real estate, 3345.

who may make for partition suit, 8071.

costs of, how paid in partition suit, 8070.

See also Abstractors of Title.

ABSTRACTORS OF TITLE.

to give bonds, 3090.

to receive certificate, when, 3091, 3092.

additional security, when to be given, 3093.

appeal by abstractor, how made, 3094.

penalty for violation of article, 3094.

article not to prevent public officer from certifying to abstracts, 3095.

fees for making and certifying to abstracts, 3097, 3099.

use of seal on abstracts, 3098.

See also Abstracts of Title.

ACADEMY OF SCIENCE.

object of society, 1596.

to be governed by board of trustees, 1597.

board of trustees, how constituted, 1598.

powers of board, 1599.

rules and regulations, 1600.

compensation and expenses of board, 1601.

compensation of teachers and employees of academy, 1601.

duties of state treasurer in respect to, 1602.

majority of board to constitute quorum, 1603.

right to lease portion of campus to student's club house and dormitories, 1738.

annual tax for maintenance of, 1416.

portion of state funds raised by taxation, 1745.

request for state appropriation to state needs of institution, 1740.

ACCEPTANCE.

of bills etc., see Negotiable Instruments.

of contracts, see Contracts.

ACCESSION.

as mode of acquisition of property, 5468.

owner of property owns, 5395.

See also Property, Real, § 7; Property, Personal, § 2.

ACCESSORY.

accessory to crime, see Crime, § 2.

ACCIDENT

driver of motor vehicle to stop in case of, 2976q.

on railroads, to be reported, 4630.

as ground for new trial, 7660.

INDEX.

(References are to sections.)

ACCIDENT INSURANCE.

See Insurance, §§ 1, 5.

ACCOMMODATION PARTIES.

See Negotiable Instruments.

ACCOMPLICE.

defendant not to be convicted solely on evidence of, 10841.

ACCORD.

defined, 5825.

acceptance of, is satisfaction, 5827.

only full execution of, extinguishes obligation, 5826.

acceptance of part performance extinguishes, 5828.

ACCOUNT.

reference to take, 7642.

statement of, how pleaded, 7457.

— further account, when ordered, 7457.

— when verified, 7457.

making of false, by public officer, how punished, 9827.

to be rendered by certain persons,

by agent for nonresident, 8870.

by employee, 6120.

by executors and administrators, 8823-8840.

by one of joint guardians, 8897.

by partner, 6397, 6409.

by shipmaster, when, 6158.

by trustee, 6290.

ACCOUNTANCY, STATE BOARD OF.

creation of, 549.

membership of, 549.

qualifications of, 549.

term of office of, 549.

vacancy in, 549.

fees and expenses of, 549.

powers and duties of, in general, 550.

issuance of certificate to public accountant, 551.

examinations for accountant, 553.

certificate to be issued to public accountant, 555.

fees to be paid on application for, by accountant, 556.

penalty for acting as public accountant without certificate, 557.

ACCOUNTANT, PUBLIC.

certificate issued to, 551.

qualifications of, 552.

examination for, 553.

examination waived, when, 554.

certificate of, 555.

fees to be paid by, 556.

penalty for violation of statute, 557.

ACCOUNTING.

uniform system of, see State Institutions.

INDEX.

(References are to sections.)

ACCOUNTS.

- of state officers,
 - time for closing and balancing accounts of state officers, 632.
 - governor to have accounts of state departments audited biennially, 713.
- of justices of the peace, 9182-9186.

ACCRETIONS.

- See Property, Real, § 7.

ACCUMULATION.

- See Property, § 8.

ACETANILID.

- any product containing, must be labeled, 2942.

ACKNOWLEDGMENT AND PROOF.

§ 1. *In general.*

- how officer's certificate authenticated, 5582.
- certificate of clerks, acknowledgment before justice, 5583.
- action to correct certificate, 5584.
- action to prove instrument, 5585.
- what entitles judgment in such action to record, 5586.
- authority of officers in taking proof, 5587.
- code does not affect former instruments, 5588.
- force and record of former instruments, 5589.
- certain instruments legalized, 5590.

§ 2. *Acknowledgment.*

- by whom taken,
 - at any place in state, 5563.
 - within district in state, 5564.
 - without state but within United States, 5565.
 - without the United States, 5566.
 - township clerks authorized to take, 4196.
 - city clerks authorized to take, 4196.
 - city auditors authorized to take, 4196.
 - recorders of all towns or villages authorized to take acknowledgment of instruments, 4196.
 - power of commissioner of deeds to take, 608.
 - not to be taken by whom, 5593.
 - what knowledge officer taking, must have, 5567.
 - acknowledged instrument as record evidence, 7916.
 - to surveys and plats of cities and towns, 3954.
 - personating another in taking, misdemeanor, 9964.
 - certain acknowledgments legalized, 850, 5575-5580, 5592.
 - of particular instruments,
 - conveyance by married woman, how acknowledged, 5568.
 - instruments from partnership,
 - who may execute, 5591.
 - former acknowledgments of partnership validated, 5592.
 - of indenture of apprenticeship, 4485.
 - of organization certificate of banking corporation, 5149.
 - fees for taking acknowledgments,
 - of clerk of district court, 3498.
 - of justices of the peace, 3530.
 - of notary public, 3529.
 - fees for taking and certifying acknowledgments, 3546.

§ 3. *Proof.*

- proof of execution when instrument not acknowledged, 5569.

INDEX.

(References are to sections.)

ACKNOWLEDGMENT OF PROOF — (continued).

- knowledge required by officer taking proof, 5570.
- when proof of handwriting of party and witness may be received, 5571.
- what proof must show, 5572.
- contents of certificate of proof, 5573.
- forms of certificate, 5574.

ACQUITTAL.

- of one or more of several defendants, 10704.
- on informal verdict, when, 10896.
- court may advise, when, 10854.
- discharge of defendant in order to testify, as, 10836.
- verdict of, not to be reconsidered, 10894.
- judgment of, discharges prisoner, 10899.
- bars further prosecution, when, 10865.
- in another state or county as bar, 10512, 10513.
- See Criminal Procedure; Jeopardy.

"ACRE FOOT."

- defined, 8274.
- as unit of measure, 8285.

ACTIONS.

- as to criminal actions, see Criminal Procedure.
- in justice's court, see Justice of the Peace.
- as to time for commencing actions, see Limitation of Actions.
- injunction to stay proceedings in courts, see Injunctions.
- abatement of, see Abatement.
- as to parties, see Parties.
- concerning real property, see Property, Real, § 9.
- suits by or against townships, see Townships, § 17.
- suits by and against executors and administrators, see Executors and Administrators, § 9.

§ 1. *In general.*

- defined, 7075, 7330.
- civil action, defined, 7334.
- distinction between actions at law and suits in equity, abolished, 7355.
- issues must be stated, 7357.
- classified, 7332.
- consolidation of, 7965.
- not merged with criminal, 7335.
- joinder of, causes of, 7466.
- no joinder of action in forcible detainer in justice's court, 9072.
- when deemed commenced, 7383, 7539.
- when deemed pending, 7966.
- ground for continuance of, 7949.
- dismissal of,
 - how actions dismissed, 7597.
 - when actions deemed dismissed, 7598.
- when not abated, 7408.
- survival of action in forcible detainer, 9071.
- successor of party may revive judgment, 7409.
- revival after death of non-resident party, 7410.
- affidavits in, need not be entitled, 7964.
- when permitted on claim before due, 7538.
- permitted after judgment, when, 7434.
- assignment of thing in action no defense, when, 7396.
- bringing action in false name, misdemeanor, 9436.
- public storage company liable to action in name of state, 3140.

INDEX.

(References are to sections.)

ACTIONS—(continued).

§ 2. Conditions precedent to bringing actions.

- against city for injury, necessity for filing claim, 3627, 3628.
- guardian for recovery of money, 8799.
- executors and administrators,
 - for the recovery of money, 8799.
 - on claim against estate, 8743.
 - on demand pending at death of decedent, 8744.
 - on bond of executor or administrator, 8805.

§ 3. How commenced.

- by service of summons, 7420.
- requisites of summons, 7421.
- form of summons, 7422.
- contents of summons, 7423.
- notice of, in personal claim, 7424.
- lis pendens, effect of, 7425.
- summons, how served, 7426.
- summons, by whom served, 7427.
- service of summons by publication, method of, 7428.
- number of publications, 7429.
- mailing summons and complaint, 7430.
- personal service equivalent to publication, 7431.
- when publication must begin, 7432.
- when service by publication completed, 7433.
- when defendant served by publication must be permitted to defend, 7434.
- service in case of joint and several defendants, 7435.
- proof of service of summons, how made, 7436.
- acceptance by defendant, 7437.
- removal of pleadings from files for purpose of service, 7438.
- jurisdiction of the court, when acquired, 7439.
- voluntary appearance of defendant, effect of, 7440.

§ 4. Particular actions.

- for wrongful act, 8321-8326.
- to recover penalties and forfeitures, 8014-8023.
- for damages by motor vehicles, 2976q.
- for injuries caused by sale of intoxicating liquor, 10120, 10121.
- for injury done to inheritance, who may maintain, 5350.
- for failure to build partition fences, 4317.
- for violation of noxious weed law, 628.
- for public nuisance by private persons, when, 7237.
- on contract made in violation of pure food law, 2895.
- for violation of city ordinances, how brought, 3602.
- to recover forfeitures imposed by by-laws and ordinances, 8020.
- against officers to be defended at expense of county, when, 2221.
- against defaulting treasurer of school district, 1352.
- upon official bond of township clerk, 4200.
- for or against township overseers of the poor, how conducted, 2498.
- by and against corporations,
 - in general, 7981-8013.
 - to vacate corporate election, 4549.
 - to redeem corporate stock sold for delinquent assessment, 4586.
- against insolvent bank, 5183.
- against insolvent building associations, 5137.
- against carrier for damages, 4735.
- unaffected by article relating to common carriers, 4763.
- to enforce decree of railroad commissioners equitable, 3732.
- on claim against an estate which had been allowed in part, 8744.

INDEX.

(References are to sections.)

ACTIONS—(continued).

- on undertaking of plaintiff in attachment, 7543.
- for breach of conditions of bond of commission merchant, 3026.
- right of action upon bonds required by probate code, 8627.
 - upon a guardian's bond, 8925.
- punishment for contempt of orders or decrees of county court as a bar to an action against defendant or the sureties, 8589.
- arising out of sale of personalty, when not to be waived, 6002.
- to correct certificate of acknowledgment of instrument, 5534.
- to prove instrument, 5585.
- to enforce mechanic's lien, 6825.
- to enforce minor's lien, 6841.
- to enforce special assessment where assessments cannot be collected against the property, 3721.
- to avoid special assessments, duty of a court to render judgment for the proper amount due, 3715.
- actions upon judgments, 7356.
- proceedings on actions which were pending against the decedent at the time of his death, 8744.

ACTUAL FRAUD.

- defined, 5849.
- for fraud generally, see Fraud.

ADJOINING LAND OWNERS.

- entitled to lateral support, 5354.

ADJOURNMENT.

- of supreme court, method of, 7344.
- of court by clerk, when, 3389, 7344.
- of court pending consultation of jury, 7629, 10875.
- final adjournment of court as discharge of trial jury, 7629, 10875.
 - of grand jury, 10655.
- of criminal trial, 10787.
- of preliminary examination of defendant, 10599.
- in justice's court, 9032-9035.
- of legislature, compelling, punishment for, 9322.
- of judicial sale, 7748.

ADJUTANT-GENERAL.

- See Militia, § 7.

ADMINISTRATIVE OFFICERS.

- See Officers.

ADMINISTRATOR.

- See Executors and Administrators.

ADMISSION.

- genuineness of papers, 7860.
- refusal to admit genuineness, effect of; costs, 7860.

ADOPTION.

- See Infants; Parent and Child; Illegitimacy.
- adopted children included in term children, 7284.
- authority to adopt, 4441.
- age of person adopted, 4442.
- consent,
 - of parent, guardian or county commissioner, when necessary, 4444.

INDEX.

(References are to sections.)

ADOPTION—(continued).

- of either spouse necessary, when, 4443.
- when child must consent, 4445.
- procedure for,
 - petition, 4446.
 - proceedings on hearing, 4447.
 - decree, 4447.
- status of adopted child, 4448.
- effect of decree upon status of natural parent of child, 4449.
- legitimizes child, when, 4450.
- of children from juvenile court, 11418, 11419.

ADULTERATION.

- defined, 2852.
- what constitutes,
 - of foods and beverages, 2880.
 - of drugs, 2941.
 - of dairy products, 2852.
- adulterations prohibited,
 - of foods and beverages, 2879-2889.
 - of dairy products, 2855.
 - of candy, 9766.
 - of food or medicines, 9765.
 - of medicines, 9741.
 - of drugs, 2839-2951.
 - of formaldehyde, 2926-2932.
 - of paris green, 2933-2938.
 - of oil sold for illuminating purposes, 3075.
 - of oils, 2874-2878.
 - of paints, 2923-2925.
 - of fertilizers, 2890-2897.

ADULTERY.

- defined, 4381, 9579.
- how punished, 9580.
- unlawful cohabitation; punishment, 9581.
- between whites and negroes, punishment for, 9582.
- as ground of divorce, 4380.

ADULTS.

- definition of, 4336.

ADVANCEMENTS.

- provisions controlling, see Succession.

ADVERSE CLAIMS.

- in actions to quiet title, see Property, Real, § 9.

ADVERSE POSSESSION.

- See Limitation of Actions.
- occupancy as mode of acquiring property in general, 5469-5470.
- what constitutes, 7366, 7367.
- actual holding, when sufficient, 7368.
- actual holding, when amounts to, 7368, 7369.
- title to real property held in, acquired when, 5471.
- validity of mortgage on land adversely held, 6734.
- of highway, when obtained, 1918.
- effect of descent on, 7371.

INDEX.

(References are to sections.)

ADVERTISEMENT.

foreclosure of mortgage by, see Mortgage.
for tax judgment sales, award of, 2334.
sheriffs' fees for advertising sale in newspaper, 3514.
false and misleading advertising,
 prohibited, 9989.
 powers and duties of officers as to, 9990.
 penalty for violation of law as to false advertising, 9991.
of certain cures and patent medicines, prohibited, 9656, 9657.
of lottery, prohibited, 9665-9668-9674.
of intoxicating liquors, unlawful, 10133, 10134.
political, to be labeled, 937.
rates for political, 938.
regulations of,
 in cities, 3599 (17) (18), 3811 (11) (12).
 in villages, 3861 (11).

AFFIDAVITS.

defined, 7884.
certain affidavits legalized, 850.
title not required, 7964, 11087.
use of, as evidence, 7887.
where and how made, 7888.
in attachment, grounds of, 7541.
for renewal of judgment, 7693, 7694.
in application for new trial in criminal action, 10919.
for placing name on primary ballot, 865.
of candidates at primary election, 853.
of unregistered elector for purpose of voting, 1096.
fee of notary public for administering, 3529.
fee of the justice of the peace for administering, 3530.
extra-judicial oath, taking or administering, misdemeanor, 9399, 9406.

AFFIRMATION.

when substituted for oath, 834.
included in term "oath," 7309.
deemed oath, 9367.
"oath" in code of criminal procedure includes, 11176.
trial jury in criminal actions may affirm, 10786.

AFTER-ACQUIRED TITLE.

by grantor in fee simple, passes to grantee or successors, 5529.

AFTER-BORN CHILDREN.

included in class in will, 5697.
rights of unborn children, 4337.
post-humous, considered as living at death of parents, 5758.
birth of, defeats future contingent interest, when, 5298.

AGE.

when persons are of, 4335.
of qualified elector, 948.
of consent, 9563.
of members of accident and insurance companies, 4972.
requisite age of defendant in action for rape, 9564.

AGENCY.

See Principal and Agent.

INDEX.

(References are to sections.)

AGENTS.

See Principal and Agent.

AGRICULTURAL AND GEOLOGICAL SURVEY.

board of trustees to co-operate with directors of federal survey, 1662.
maps to be uniform with United States maps, 1663.
economic survey to be made, 1664.
state directors to collect samples of rock, soil, etc., 1665.
maps to be published, 1666.
reports to be published, 1667.
biennial report to governor, 1668.
state directors, who to be, 1669.
appropriation for, 1670.
name of survey, 1671.
survey not to conflict with that at state university, 1672.
mineral lands to remain in possession of state, 1673.

AGRICULTURAL COLLEGE AND SCHOOLS.

as to agricultural experiments, see Agricultural Experiment Stations.

§ 1. *Agricultural college.*

location of, 1604.
to be controlled by board of trustees, 1605.
board of trustees,
 how appointed, 1606.
 vacancies, how filled, 1606.
 commissions, oath of office, 1607.
 organization of, 1607.
 meeting of board, how held, 1608.
 president of board of trustees *ex officio* director of state farmers' institute, 1877.
 compensation, 1608.
 duties of board,
 in general, 1609.
 to fix salaries of faculty and employees, 1611.
 right to lease portion of campus of student's club house or dormitories, 1738.
course of instruction, 1610.
president member of state board of education, 1423.
faculty to adopt rules and regulations, 1612.
 professor of agriculture *ex officio* director of state farmers' institute, 1877.
 professor of dairying *ex officio* director of state farmers' institute, 1877.
serum institute established, 1657.
duty of directors of, 1658.
serum to be distributed, 1659.
serum must not be sold, 1660.
appropriation for, 1661.
request for state appropriation, 1740.
annual tax for maintenance of, 1416.
portion of state fund raised by taxation, 1745.

§ 2. *County Agricultural and Training School.*

establishment of, 1455.
maintenance of, 1456.
funds for, how paid out, 1457.
board of trustees of, 1458.
oath of office and bond of trustees of, 1459.
compensation, 1459.
state board of, how created, 1460.
 powers of, 1460.
 duties of, 1460.
site for school, trustees to build, 1461

INDEX.

(References are to sections.)

AGRICULTURAL COLLEGE AND SCHOOLS — (continued).

- whom admitted to, 1462.
- when school deemed to be established, 1463.
- school aid to, 1463-1464.
- certificates from school, when to issue, 1465.
- establishment of school by two or more adjoining counties, 1466.
- taxes for maintenances for such joint school, 1467.
- county treasurer as treasurer of training school boards, 1468.
- special tax for training school fund, 1470.
- certain elections in regard to, legalized, 1471.

AGRICULTURAL EXPERIMENT STATIONS.

- in Cavalier county,
 - establishment of, 1633.
 - experiments to be made, 1634.
 - appropriation for, 1634a.
 - how governed, 1635.
 - duty of superintendent, 1636.
 - biennial report of, 1637.
- at Dickinson,
 - establishment of, 1627.
 - members of board of station, 1627.
 - experiments to be made, 1628.
- at Fargo,
 - established station to be continued, 1619.
 - grant of Congress accepted by legislative assembly, 1620.
 - appropriation, 1621.
- at Harvey,
 - establishment of, 1639.
 - experiments to be made, 1640.
- at Hettinger,
 - establishment of, 1643.
 - object of, 1644.
 - donation required, 1644.
 - appropriation for, 1644.
- at Mandan,
 - establishment of, 1641.
 - experiments to be made, 1642.
- at Williston,
 - establishment of, 1629.
 - duties of board of station, 1630.
 - appropriation for, 1631, 1632.
- duties,
 - to make analysis of drugs and medicines, 2948.
 - to transmit facts to attorney-general and state's attorney, 2949.
 - to inspect and analyze foods and beverages, 2883.
 - to make tests of cereals, 1625.
 - to enforce feeding stuffs law, 2918-2920.
 - to inspect, analyze and test seeds, 2904.
- director,
 - ex officio* director of state farmers' institute, 1877.
 - to act as inspector of nurseries, 2834.
 - duties,
 - to assist in enforcement of paint law, 2925.
 - to enforce fertilizer law, 2897.
 - to assist in enforcement of formaldehyde law, 2929.
 - as to enforcement of paris green law, 2935.
 - as to sanitation of food producing establishments, 2970.

INDEX.

(References are to sections.)

AGRICULTURAL EXPERIMENT STATIONS— (continued).

- appropriations,
 - in general, 1621-1624, 1626-1628, 1631, 1632, 1634a, 1638, 1644.
 - for milling building, 1626a.
 - for maintenance of milling experiment plant, 1626b.

AGRICULTURAL FAIR.

See Fairs.

AGRICULTURAL SOCIETIES.

See Fairs.

AGRICULTURE.

commissioner of, see Commissioner of Agriculture and Labor.

AILMENTS.

advertisements of cures for certain, prohibited, 9656, 9657.

AIR.

rights in respect to, as easement, 5330.

ALCOHOL.

- judicial notice of, 7938.
- intoxicating liquor, 10105.
- label for products containing, 2942.

ALCOHOL, METHYL.

sale of, prohibited, 2944.

ALDERMEN.

See Cities, § 11.

ALE.

- defined, 10157.
- intoxicating liquor, 10105.

ALIENATION.

- right of recovery of real property not affected by, 8162.
- restraints on, when void, 5286.
- when future interests void, 5288.
- leases limited, 5289.
- suspension of power of, limited, 5287, 5313-5315.

ALIENS.

- who are, 18.
- may hold and dispose of property, 5256.
- take by succession, when, 5759.
- limitation of actions as to, 7387.

ALIMONY.

- temporary support and maintenance of either party, 4402, 4403.
- after divorce is granted, 4405.
- allowance of maintenance although divorce is denied, 4401.
- when not awarded to wife out of separate property of husband, 4406.
- award of homestead, as, 4406.
- security for, 4406.

INDEX.

(References are to sections.)

ALLEGIANCE.

- defined, 16.
- renunciation of allegiance, 17.

ALLOWANCE.

- for wife and children out of decedent's estate, 8727, 8728.
- to parent out of child's property for latter's support, 4426, 8883.

ALMANAC.

- Judicial notice as to facts stated in, 7938.

ALTERATION.

- oral contracts, how altered, 5937.
- of contract in writing, how effected, 5938.
- contract extinguished by, 5939, 5940.
- alteration of duplicate copy, effect of, 5941.
- of obligation exonerates surety, 6681.
- of obligation exonerates guarantor, 6668-6674.
- of negotiable instrument, effect of, 7010.
- of judicial and public records, liability for, 9363, 9364.
- of draft of bill in legislative assembly, felony, 9324.
- of engrossed copy of bill, felony, 9326.

ALTERNATIVE WRITS.

- writ of prohibition, 8472.
- writ of mandamus, 8459-8460.

AMBASSADORS.

- foreign, not punishable in this state, 9216.

AMENDMENTS.

- of pleadings, in case of variance, 7478, 7479.
- of complaint, where defendant's name was unknown, 7684.
- of pleadings, when and how made, 7481, 7482.
- of appeals, when allowable, 7840.
- of pleadings and process in county court, 8590-8592.
- of pleadings in justice's court, 9050.
- of indictment or information, 10742.

AMENDMENTS TO CONSTITUTION.

- See Constitution.

AMERCEMENT.

- See Execution, § 2.

AMUSEMENTS.

- regulation of, in cities, 3599 (30) (43), 3818 (23) (36),
- in villages, 3861 (4).

ANATOMICAL SCIENCE.

- dead bodies to be used for, when, 2809.
- bonds to be given, 2810.
- bodies to be buried, penalty for neglect, 2811.

ANGER.

- as defense to homicide, 9466.

INDEX.

(References are to sections.)

ANILINE DYES.

- use of, in foods as adulteration, 2880.
- use of, in candies prohibited, 2880.

ANIMALS.

- as to carriage of livestock, see Carriers, § 8.
- as to livestock insurance, see Insurance Companies, § 14.
- liens as to, see Liens, §§ 14, 15.
- See also Veterinarians; Game and Fish.
- § 1. *In general.*
 - wild animals, property in, 5247.
 - poisoning domestic, punishment, 10052.
 - killing of stock by railroads prima facie evidence of negligence, 4643.
 - interference with shipment and feeding of, penalty, 10259.
 - care of by depositary, 6020.
 - borrower of, to treat with great kindness, 6053.
 - owner of mischievous, guilty of homicide, when, 9492.
 - liability for driving cattle over bridge, 2656.
 - skinning dead animals prohibited when, 2616.
 - note taken for, how indorsed, 10251.
 - lien for keeping and pasturing, 6840-6844.
 - wrongful registration of, how punished, 9722.
 - range stock, where and by whom listed, 2104.
 - punishment for undervaluation of, 2105.
 - right to recover exemplary damages for injuries to, 7172.
 - statistics, 169.
 - sale of pending attachment, 7554.
 - power of cities to regulate the speed of horses and other animals upon the street, 3599(21).
 - humane treatment of animals to be taught in public schools, 1384.
- § 2. *Marks and brands.*
 - fees for recording brands, 2594.
 - brands, how obtained and recorded, 2595.
 - record of brands by commissioner of agriculture and labor, 2596.
 - vent brands, 2597.
 - when similar brands may be recorded, 2598.
 - brands to be canceled, when, 2599.
 - right to record brands, who has, 2600.
 - exclusive trade brands, how obtained, 2601.
 - cancellation and re-recording, 2602.
 - commissioner of agriculture and labor to notify record owners of cancellation, 2603.
 - publication of notice of expiration of time for drivers right to re-record, 2604.
 - manner of recording and re-recording; fees, 2605.
 - fees and running expenses, 2506.
 - all stock driven into or through state to be branded, 2634.
 - duty of driver to have all animals marked with one uniform brand, 2610.
 - unlawful branding or stealing, how punished, 9992.
 - wilfully cutting off ears from stock, 9993.
 - wilfully driving stock from range, 9994.
 - wilful branding of stock, misdemeanor, 9995.
 - exception, 9996.
 - butchers to keep record of branded stock killed, 9997.
 - report to secretary of state, penalty, 9997.
 - seller of beef to exhibit hides to purchaser, 9998.
- § 3. *Requirements for admission of, into state.*
 - horses, mares, mules and asses, 2762a.
 - cattle, 2762b.
 - sheep, 2762c.

INDEX.

(References are to sections.)

ANIMALS — (continued).

swine, 2762d.
cattle, swine and sheep for immediate slaughter, 2762e.
tests, 2762f.
serums, 2762g.
health certificates and test charts, 2762h.
penalty for violation of article, 2762i.

§ 4. *Inspection.*

See also, *supra*, § 3.
appointment of inspector, 2755.
inspection before shipping, 2756.
record of inspection, 2757.
unlawful to ship without permit, 2758.
inspectors' fees, 2759.
penalty for violation of article, 2760.
city counsel to provide for inspection of milk and dairy herds, 2800.
sheep inspectors,
 appointment of, 2741.
 term of office of, 2741.
 duties of, 2742, 2748.
 oath and bond of inspector, where recorded, 2744.
 salary of inspector, how paid, 2746.
 powers of inspector, 2747.
 compensation of inspector, 2749.
 record of official act of inspector, 2752.
 fine for false report of inspector, 2753.
 removal of inspector, 2754.
 duty of owner or agent of diseased flock, 2743.
 infected sheep to be dipped; penalty, 2745.
 owners to notify inspectors of importation of sheep, 2750.
 penalty for violation of act, 2751.

§ 5. *Live stock sanitary board.*

how composed, 2678.
term of office of, 2678.
qualifications of members, 2678.
board to establish rules and regulations, 2679.
publication of regulations, 2680.
meetings and compensation of board, 2681.
oath of office, 2682.
powers,
 in general, 2686.
 to employ agents and assistants, 2690.
 to exercise powers of justices of the peace, 2691.
 to exercise power over peace officers, when, 2692.
executive officer,
 qualifications of, 2682.
 salary of, 2683.
 bond and oath of office of, 2683.
 duties of, in general, 2684.
bacteriologist and consulting veterinarian, 2685.
 duties and powers of, 2685.
duties of owners of stock to report to board, 2694.
duty to give notice to owner of tubercular cattle, 2699.
regulation of sale of meat from diseased animals, 2698.
killing of diseased stock, method of, 2687.
selection of experts, 2687.
 expenses of experts, how paid, 2688.
disposal of carcass of diseased animal, 2689.

INDEX.

(References are to sections.)

ANIMALS — (continued).

manner of burial of diseased animals, 2697a.
duty of road and street overseer and county coroner as to burial of diseased animals, 2697b.

annual report of, 2693.

emergency fund in case of epidemics, 2695.

appropriation for expenses of, 2696.

penalty for violation of law, 2697.

§ 6. *Infected or diseased animals.*

duties of state board of health as to infected animals, 400.

permitting infected animals to water at public trough, misdemeanor, 10054.

importing, using or selling, 9791.

failure to restrain infected sheep, misdemeanor, 9792, 9793.

refusal to allow examination, 9794.

wilfully spreading infection, felony, 9795.

civil action for damages, 9796.

health certificates,

regulation of issuance of, 2760a, 2760b, 2761, 2762.

glanders,

penalty for having glandered animals in possession, 2721.

complaint to justice of the peace, 2722.

duty of justice, 2722, 2723, 2732.

penalty for disobeying warrant to kill glandered animal, 2724.

justice to preserve record and certify costs, 2725.

appraisal of glandered animal, how made, 2726.

appraisers of glandered animals, how appointed, 2727.

maximum valuation of glandered animal, 2728.

procedure for destruction of glandered animal, 2729.

duty of owner, 2730.

compensation for glandered animals killed, 2731.

duty of sheriff to destroy glandered animal, 2733.

proceedings for carrying out glandered animal law, how conducted, fees, 2734.

when payments not to be made, 2735.

duty of state equalization board, 2736.

testing for glanders, 2737.

fees, 2738.

payment of fees, 2739.

payment of expenses when appropriation is insufficient, 2740.

Texas cattle,

unlawful to import or own, when, 2672.

penalty for violation of article, 2673.

who liable for damage caused by Texas cattle, 2674.

right to bring cattle into state not defense to damage caused by, 2675.

damage from Texas cattle, what proof necessary to recover for, 2675.

proceedings when Texas cattle are spreading disease, 2676.

Texas cattle defined, 2677.

tubercular cattle,

duty of state live stock sanitary board to give notice to owner of, 2699.

appraisal of, how made, 2700.

appraisers of, how appointed, 2701.

maximum valuation of, 2702.

protest against valuation, how made, 2703.

fees of appraisers, how paid, 2704.

to whom act applies, 2705.

claims, how paid, 2706.

disposal of carcasses, 2707.

owner not indemnified in certain cases, 2708.

fund to be created for carrying out provisions of article, 2709.

INDEX.

(References are to sections.)

ANIMALS — (continued).

tubercular cattle — (continued).

duty of state board of equalization, 2710.

to be marked, 9797.

penalty, 9797.

dipping tanks,

how established, 2780.

cost of dipping tanks, how paid, 2780.

appropriation for chemicals and materials, 2781.

commissioners to levy dipping fee pro rata, 2782.

fees chargeable against owners of stock; lien on animals, 2783.

formula of United States bureau of animal industry to be used for dipping solution,
2784.

duty of district veterinarian, 2785.

§ 7. *Running at large.*

running at large, prohibited, 10192-10195, 2617.

regulations affecting animals running at large in cities, 3599(61),(62).

— under commission form of government, 3818(56),(57).

— in villages, 3861(5).

herd law,

running of stock at large prohibited 2617.

formation of stock districts, 2618.

herd law when submitted to vote, 2619.

form of ballot, effect of vote, 2620.

when proposition may again be submitted 2621.

when fences deemed to be sufficient and lawful, 2622.

fences how constructed, 2623.

liability of owner of stock in breaking fences, 2624.

trespassing of swine, 2625.

damages for trespass of animals, 2626.

fees for serving notice of trespass, 2627.

damages for trespassing animals a lien upon the animal, 2628.

action for trespass of animals against non-resident defendant, 2629.

judgment and costs for trespassing animals, how collected, 2630.

taking possession of and restraining animals misdemeanor, when, 2631.

judgment of court as to trespassing animals, when final, 2632.

jury trial in case of trespassing animals, 2632.

limitation of action, 2633.

of stock to be branded, 2634, 2635.

duties of county auditor and sheriff, 2636.

§ 8. *Estrays.*

by whom and when taken up, 2657.

notice of taking up as strays, 2658.

official estray paper; payment of fees, 2659.

owner may take estray, arbitration, 2660.

advertiser becomes owner, when, 2661.

charges allowed, 2662.

procedure where two or more animals are taken up, 2663.

estrays may be sold, when, 2664.

record of selling estrays, how made, 2665.

fees how collected and paid, 2666.

penalty for violation of act, 2667.

liability in case of death of estray, 2668.

other personal property covered by this act, 2669.

effacing marks or attempting to conceal, 10245.

fees authorized to be collected in matters of estrays, 3541.

INDEX.

(References are to sections.)

ANIMALS — (continued).

§ 9. *Impounding.*

power of cities to provide for, 3599(61), 3818(56).
— of township to provide for, 4088.

§ 10. *Herding and driving.*

as to herd law, see *supra*, § 7.
stock growers and drover defined, 2607.
drivers defined, 2608.
animals not to be enticed away, 2609.
uniform brand to be used by drivers, 2610.
costs for violation of article, lien upon animals, 2611.
penalty for violation of article, 2612.
driving stock and trespassing, 2613.
wrongful driving of stock, penalty, 2614.
duty of driver when stock of a resident mixes with drove, 2615.
removing skin from animals found dead, prohibited, 2616.

§ 11. *Trespassing animals.*

as to trespassing in violation of herd law, see *supra*, § 7.
liability of owner for, 8500.
owner defined, 8501.
notice of damages, 8502.
custody until damages paid, 8503.
notice to owner where known, 8503.
trial, 8504.
judgment lien on animals, 8504.
foreclosure of lien on; jurisdiction of justice of the peace, 9006.
service on unknown owner, 8505.
sale; disposition of surplus, 8506.
trespass while driving live stock, 2613.

§ 12. *Cruelty to animals.*

appointment of agent to investigate, 2670.
duties of agent, 2670.
expenses of agent, 2671.
appropriation for, 2671.
killing, maiming or torturing, misdemeanor, 10053.
abusing, over-driving, etc., misdemeanor, 10054.
keeping pit or house for fighting, misdemeanor, 10055.
instigating fight between, 10056, 10057.
power of cities to prohibit and punish, 3599(55), 3818(50).

§ 13. *Dogs.*

as property, 5246.
use of, in hunting, restricted, 10292.
activity of dog trainers restricted, 10322.
regulations of, in cities, 3599(62), 3818(57).
— in villages, 3861(5).
sheep killing dogs,
when dogs may be killed, 2641.
liability of owner of dog, 2642.
exemption from application of statute, 2643.

§ 14. *Stallions.*

definition, 2763.
license for, 2763.
veterinary inspection, 2765.
methods of examination, 2766.
lien on offspring of, 2775.
penalty for violation of stallion law, 2776.
mongrels not to be licensed, 2778.
importation of regulated, 2779

INDEX.

(References are to sections.)

ANIMALS — (continued).

lien for service of sire, generally, 6847-6850; but see 2775 as to stallions and jacks.
unlawfully permitting, to run at large, misdemeanor, 10192.
— exception, 10193.

jurisdiction of justice's court, 10194.

liability in civil actions for damages, 10195.

registration board,

duties of, in general, 2767.

compensation of, 2764.

authority to grant temporary license, 2768.

license to be posted, 2769.

form of license, 2770.

advertisement to contain copy of license, 2771.

fees for transfer of license, 2773.

expenses, how provided for, 2774.

report to governor, 2774.

powers over peace officers, 2777.

§ 15. *Wolf and coyote bounty.*

provisions regulating bounty for coyotes, 2637, 2645-2656.

bounty for killing wolves,

claimant to make affidavit before auditor, 2638.

scalp to be produced, 2639.

auditor to retain affidavit, destruction of scalp, 2640.

county reward for buffalo or timber wolf, 2644.

state bounty for wolves and coyotes, 2645.

skins to be exhibited, 2646.

verification of claim, 2647.

fraud, method of preventing, 2648.

duty of county auditor, 2649.

duty of state auditor, 2650.

wolf fund created, 2651.

duty of state board of equalization to levy tax for wolf bounty, 2652.

transfer of surplus in wolf bounty fund to general fund, 2653.

bounty for animals killed in unorganized counties, 2654.

secretary of state to supply blanks for carrying out provisions of wolf bounty statute, 2655.

penalty for forgery of claim from wolf bounty fund, 2656.

§ 15a. *Gophers.*

defined, 2871.

extermination of,

duty of county commissioner as to, 2869-2872.

notice to destroy gophers, how served, 2870.

compensation for person appointed to destroy gophers, 2871.

levy of gopher tax, 2261.

§ 16. *County live stock protective association.*

county live stock protective fund, how raised and expended, 2787.

petition for fund, contents of, 2788.

annual report, 2789.

appropriation for, made part of general tax levy, 2790.

§ 17. *State live stock association.*

appropriation for, 2786.

duty of commissioner of agriculture as to, 2786.

ANNUITY, SAFE DEPOSIT AND TRUST COMPANIES.

See Trust Companies.

ANSWER.

See Pleading, § 4.

INDEX.

(References are to sections.)

ANTELOPE.

protected, 10317.

ANTHRACITE.

See Coal.

APOTHECARY.

See Pharmacist.

APPEALS.

in criminal actions, see Criminal Procedure, § 19.

§ 1. *Appeal to supreme court.*

in general.

to Supreme Court authorized, 7818.

title to action to remain unchanged, 7819.

time for, 7820.

how taken, 7821.

clerk to transmit papers, 7822.

preparation and settlement of a case, 7655.

specification of errors of law and insufficiency of evidence, 7655.

to supreme court for settlement of statement of case, when, 7657, 7658.

effect of perfected appeal; perishable property, 7838.

reference to ascertain damages on when, 7839.

amendment of, 7840.

what orders reviewable, 7841.

without motion for new trial, 7842.

notice of motion for new trial, 7843.

in cases tried without jury, 7846.

printing of abstracts not required; briefs to be printed, 7847.

transcript of proceedings for parties, 7848.

when heard, 7849.

fee for certifying the record on appeal to the Supreme Court from district court, 3498.

costs of, 7796.

from judgment of removal of public officer, to supreme court, 10480.

from order of district court relative to discharge of prisoner on civil process, 8495.

undertaking,

deposit for undertaking, waiver of, 7823.

appeal ineffectual without undertaking, 7824.

execution not stayed without undertaking, 7825.

undertaking to stay judgment on delivery of personalty, 7826.

— to stay execution of conveyance, 7827.

— of judgment to sell and deliver realty, 7828.

— to stay mortgage sale, 7829.

— to abate nuisance, 7830.

— other judgments, 7831.

— intermediate orders, 7832.

— on orders as to provisional remedies, 7833.

from whom undertaking not required, 7834.

when new undertaking required, 7835.

undertakings may be in several instruments, 7836.

sureties must justify, 7837.

failure to prosecute as breach of undertaking, 7839.

decision of appellate court, 7842.

power of Supreme Court on appeal, 7844.

rehearing, when allowed, 7844.

what clerk of appellate court transmits, 7844.

when new trial ordered, time limited, 7845.

INDEX.

(References are to sections.)

APPEALS — (continued).

§ 2. Appeals from county court.

in general,

- appeals from county court of increased jurisdiction to supreme court, 8960.
- right to an appeal from decree or order of the county court in general, 8599.
- notice of appeal, undertaking, 8601.
- time for filing proof of service of notice of appeal and undertaking for appeal, 8601.
- appeal from an order which directs the payment of a fine as a punishment for a contempt, 8602.
- right to extension of time for taking an appeal, 8604.
- procedure for perfecting appeal on question of law alone, notice, 8606.
- specification of errors on appeal, 8607.
- time for docketing appeal in the district court, 8615.
- time for hearing appeals on questions of law, 8616.
- notice of time for hearing appeals in the district court, 8616.
- manner of hearing appeal upon question of law alone, 8619.
- powers of the district courts on appeal from the county courts, 8619, 8620.
- manner of hearing appeals taken generally, questions of fact tried de novo, 8620.
- decision of district court upon appeal from court must contain the material facts found by the court, 8621.
- effect of reversal of decree or order of the county court upon acts done in pursuance of the order or decree, 8622.
- costs upon appeal how determined, 8623.
- duties of the clerk of the district court as to transmitting decision upon the appeal from the county court, 8624.

parties,

- in general, 8600.
- procedure for bringing in all the parties to an appeal, 8605.

undertaking,

- to be filed, 8601.
- right of executor, administrator or guardian to appeal without filing an undertaking, 8603.
- form of undertaking to secure a stay from execution or enforcement of a decree or order, 8608.
- condition of undertaking to secure stay of proceedings, 8608.
- right to require an additional undertaking for bond, 8609.
- amount of undertaking, 8609.
- obligations and liabilities imposed by undertaking on appeal, 8610.

stay,

- operation of appeal as stay of further proceedings in county court in general, 8611.
- operation of appeal from order granting or refusing a transfer of a case to stay further proceedings in the case, 8611.
- operation of appeal from a decree or order admitting a will to probate to stay further proceedings, 8612.
- operation of appeal from decree or order granting letters testamentary or letters of administration, 8612.
- operation of appeal from decree or order which appoints a special administrator, 8613.

operation of appeal from order revoking probate or suspending an executor, etc., to stay further proceedings, 8613.

transcript on appeal,

- duty of county judge to make and certify to the district court a complete transcript of the records upon which the appeal is taken, 8614.
- time for filing transcript in the district court, 8614.

dismissal of appeal,

- dismissal of appeal for failure to prosecute appeal, 8617.
- effect of dismissal of appeal to affirm decree or order appealed from, 8618.

INDEX.

(References are to sections.)

APPEALS — (continued).

- decision on appeal,
 - form of decision of the district court upon appeal from the county court, 8624.
 - manner of enforcement of decision of the district court on appeal from the county court, 8624.
 - manner of filing decision of the district court and transmitting the same to the county court, 8624.
- § 3. *From decisions in proceedings.*
 - in proceedings for laying out, etc., highways, 1935-1939.
 - from proceedings of cities fixing rate of public service or utility, 3608.
 - from proceedings for the vacation of public grounds, streets or alleys, 3688.
 - in eminent domain proceedings instituted by cities, 3737.
 - from order of village board of trustees in vacating streets, alleys or public places, 3989.
 - in proceedings against railroads, 4736.
 - in condemnation proceedings, 8231.
 - from assessment for dams, 8311.
 - in special proceedings, 8476.
- § 4. *From justice of the peace, city magistrates, etc.*
 - See particularly Justice of the Peace, § 8.
 - from justice's court,
 - in civil actions, 9163-9173.
 - in criminal actions, 9174-9181.
 - in justice's court not allowed, when, 9114.
 - from city justices of the peace to the district court, 3657.
 - from village justice of the peace to district court, procedure, 3925, 3927.
 - from police magistrate to district court, 3655, 3660.
 - from decisions of juvenile court, 11426.
- § 5. *From decisions of arbitrators.*
 - from award of arbitrators, 8340.
 - from order vacating award of arbitrators, 8343.
- § 6. *In election matters.*
 - appeal from decision of court on nominations, 881.
 - in election contest, 1054, 1055.
 - bond of appellant contesting election of presidential elector, 1061.
- § 7. *From acts of administrative officers.*
 - from orders of fire marshal, 208, 209.
 - from order of commissioner as to treatment of noxious weeds, 626.
 - from refusal to approve official bond, 675.
 - from removal of officer by governor, to district court, 690.
 - from judgment revoking or suspending license of attorney, 804.
 - from decisions of county superintendent to state superintendent of public instruction, 1132.
 - of county from determination of state auditor as to charges for care of insane persons, 2573.
 - from special assessments fixed by assessment commission, 2727, 2728.
 - of abstractor of title from decision of county commissioners, 3094.
 - from decision of board of county commissioners, procedure, 3298-3301.
 - to supreme court from order of railroad commissioner, 4744.
 - to supreme court from judgment and report of railroad commissioners, 4746.
 - from decision of state examiner relative to investment companies, 5228.
 - from judgment against non-resident intestate, 7410.
 - to supreme court from referee's report, 7650.
 - from rejection of claim in insolvency proceedings, 8413.
 - from adjudication of insolvency or discharge of debts, 8439.

APPEARANCE.

- in proceedings in county court, see Courts, County, § 6.
- in justice's court generally, see Justice's Court.

INDEX.

(References are to sections.)

APPEARANCE — (continued).

- manner of, in contest of presidential electors, 1063.
- of defendant as giving court jurisdiction, 7438.
- defendant, after serving notice of, entitled to notice of judgment, 7600.
- time of, in justice's court, 9023.

APPLES.

- weight of bushel of, 3006.

APPOINTMENTS.

- appointments to be made by governor, 111.
- to office, buying, punishment for, 9311.
- to office, selling, punishment for, 9312.
- to office, reward for, punishment, 9313.
- to office, when void, 9314.

APPORTIONMENT.

- of congressional districts, 22.
- of legislative districts, 44.
- of state funds among the counties, 640.

APPRAISAL.

- of homesteads, provisions relative to, 5611-5620.
- of estrays, 2661.
- of glandered animals, 2726-2728.
- of tubercular cattle, how made, 2700.
- appointment of appraisers, 2701.
- maximum appraisal of, 2702.
- protest against appraisal, 2703.
- fees of appraiser, how paid, 2704.

APPRAISERS.

- appraisers of the property of decedent, see *Executors and Administrators*.
- of property exempt from execution, 7733-7735.

APPRENTICESHIP.

- authorized; who may enter, 4475.
- poor children may be bound, how, 2532, 4478.
- consent to, by whom given, 4476.
- person giving consent not liable for breach of contract of, 4477.
- Indian children, how bound, 4479.
- indenture to give age of apprentice, 4480.
- to state consideration, if any, 4481.
- person to whom child is bound must educate child, 4482.
- counterpart of indenture to be filed with county judge, 4483.
- emigrant minors may bind themselves, 4484.
- acknowledgment of indenture, 4435.
- assignment of indenture, how made, 4486.
- when indenture void, 4487.
- duty of county commissioners as to apprentices, 4488.
- penalty for wilful absence of apprentice, 4489.
- apprentice to have free choice of vocation, 4490.
- contracts restricting, void; penalty, 4490.
- assignment of indenture, where master has died, 4492-4493.

APPROPRIATIONS.

- § 1. *In general*.
- when available, 635.

INDEX.

(References are to sections.)

APPROPRIATIONS — (continued).

- how paid, 653b.
- request of state educational institutions to be filed with state board of education, contents of statement, 1739, 1740.
- document fund, 79.
- public printing, 101.
- contingency fund, 647, 650.
- miscellaneous expenses, 653g.
- for payment of refunding bonds, 2280.
- for establishment of a uniform system of accounting, 714.
- to state bar association for investigating and prosecuting charges made against attorneys, 813.
- North Dakota firemen's association, 1839.
- Panama Exposition commission, 631d.
- for expenses of agent to investigate cruelty to animals, 2671.
- state law library, 1844, 1845.
- § 2. *Salaries and expenses of state officers and boards.*
 - salaries of state officers, 653d, 654.
 - salaries of appointed state officials, 653e.
 - clerk hire of state offices, 652.
 - supplies for state offices, 656.
 - clerk hire of state department, 653f.
 - for legislative expenses, 42.
 - for state board of control, 239.
 - board of university and school lands, 364.
 - temperance commissioner, 622.
 - for tax commission, 2092.
 - for clerk of Supreme Court, 652.
 - board of railroad commissioners, 582.
 - secretary, 652.
 - state board of immigration, 978.
 - for expenses of state banking board, 5146a.
 - for state board of pardons, 11108.
 - for compensation of presidential elector, 1038.
- § 3. *For state institutions.*
 - Florence Crittenden Home at Fargo, 1424.
 - for state hospital for the insane not to be diverted from the purpose for which they were made, 1760.
 - for public health laboratory, 1654.
 - for compensation of prisoners in twine plant, 11269.
 - for maintenance of twine and cordage plant in penitentiary, 11228.
 - state institute fund, 1392.
 - to state institutions of funds derived from miscellaneous receipts, 1819.
- § 4. *For national guard soldiers, etc.*
 - for erection of armories, 2413.
 - for expenses of maintenance of national guard, 2442.
 - medals for men who served with distinction in national guard, 2426a.
 - for burial of indigent soldiers and sailors, 3185.
 - soldiers' home, 1796.
- § 5. *For agricultural and other industrial purposes.*
 - state weather bureau office, 652.
 - for agricultural survey, 1670.
 - for agricultural college experimental station, 1621-1624, 1626, 1631, 1632, 1634, 1638, 1644.
 - for erection of milling building at agricultural experiment station, 1626a.
 - for maintenance of milling experiment plant, 1626b.
 - state fair at Mandan, 1865.
 - annual state fair, 1857.

INDEX.

(References are to sections.)

APPROPRIATIONS — (continued).

- special appropriation for state fair, 1856.
- farmer's state institute, 1880.
- for county live stock protective association, 2790.
- for use of state live stock sanitary board, 2696.
- for enforcement of dairy product article, 2862.
- by county commissioners for chemicals for dipping stations, 2781.
- for state poultry association, 5117.
- fish hatchery, 1888.
- for irrigation purposes, 8251, 8300.
- annual appropriation to encourage immigration, 649.
- for relief of needy settlers, 2546.
- state trolley line and electric lighting and power plant, 1806.
- § 6. *For educational purposes.*
 - for state historical society, 382, 385.
 - for building for biological station, 1570.
 - for maintenance of biological station, 1571.
 - geological survey, 1574, 1670.
 - for maintenance of state university, 1575.
 - for state university, mining experiment sub-station, 1647.
 - for state university, serum institute, 1661.
 - for rural schools, 1450.
 - state normal and industrial school at Ellendale, 1738.
 - for state educational library, 1454.
 - for state library commission, 1538.
 - for Cochrane library, 1576.
 - for free libraries, 4013.
 - for care and custody of state library, 652.
 - cancellation of unexpended appropriations for state institutions, 1818.
- § 7. *For public buildings.*
 - for site for capitol, 379.
 - for erecting north wing of state capitol, 1801.
 - for executive grounds and mansion, 1801.
- § 8. *As to public lands.*
 - for expenses of sale of school and public land, 335.
 - for expense of advertising and leasing public lands, 362.
 - for expenses of investigating public lands as to coal underlying them, 368.
- § 9. *By municipalities.*
 - See Cities, § 26, Villages, § 19, Townships, § 18.

APPURTENANCE.

- defined, 5252.
- to shipping, defined, 5448.

ARBITRATION.

- § 1. *In general.*
 - of controversies, when authorized, 8327.
 - submission in writing, 8328.
 - in case of estrays, 2660.
 - arbitration of claims presented against the estate of a decedent, 8747-8749.
 - by assignee in insolvency proceedings, 8398.
 - adjustment of insurance in county mutual companies, 4939.
 - indebtedness of school districts upon consolidation or change in boundary, 1327.
 - specific performance of agreement to submit controversy to arbitration, 7197.
 - action upon award not affected by article, 8345.
 - appeal; power of supreme court, 8340.

INDEX.

(References are to sections.)

ARBITRATION — (continued).

§ 2. Appointment of arbitrators.

powers of, 8329.

oath of, 8330.

attendance of witness compelled, 8331.

§ 3. Award.

how executed, 8332.

how filed, 8332.

motion to affirm, 8333.

— to vacate, grounds, 8334.

— to modify, grounds, 8335.

powers of court on such motions, 8336.

§ 4. Judgment.

how entered, 8337.

subject to same provisions as other judgments, 8339.

how enforced, 8341.

costs on setting aside judgment, 8342.

appeal from order vacating, 8343.

procedure when reversed, 8344

§ 5. Costs.

costs, 8337.

— costs, on setting aside judgment, 8342.

— liability for, when submission revoked, 8346.

§ 6. Crimes by or against arbitrators.

misconduct of, what is, 9342.

accepting gifts, misdemeanor, 9343.

receiving bribe, punishment, 9341.

attempt to influence, misdemeanor, 9344.

attempt to intimidate, 9402.

AREAS.

power of cities to regulate the construction, repair and use of, 3599 (42), 3818 (35).

ARMORY.

public armories in cities, 4016-4018.

See, also, Militia.

ARRAIGNMENT.

of defendant in criminal action, see Criminal Procedure, § 10.

ARREST.

as part of criminal procedure, see Criminal Procedure, § 3.

on bench warrant, see Bench Warrant.

as provisional remedy in civil actions, see Arrest and Bail.

in contempt proceedings, see Contempt.

when authorized,

hotel inspector authorized to make, 2991.

by railway police, 10589.

when made by railroad employees acting as peace officers, 4810.

no fees allowed, 4811.

summary, for disturbance of election, 9276, 9277.

coroner to order arrest of person accused of murder, 3413.

when not authorized,

without process, misdemeanor when, 9393.

of member or officer of legislative assembly, a contempt, 29.

of dead body, prohibited, 9631.

officer having person arrested in charge, not liable to, 10554.

INDEX.

(References are to sections.)

ARREST — (continued).

- of person indicted, how made, 10682.
- in criminal action, may be made, when, 10533.
- defendant may be arrested by bail, 11124.
- execution against the person on civil process, when issued, 7717.
- of debtor in insolvency proceedings, 8360.
- resisting execution of process in time of insurrection, 9397.
- refusal to make, misdemeanor, when, 9396.
- refusing to arrest rioter, effect of, 9813.
- refusal to aid officer in making, misdemeanor, 9396.

ARREST AND BAIL.

- provisional remedy of, 7487.
- arrest; procedure,
 - arrest in civil actions limited, 7488.
 - defendant may be arrested, when, 7489.
 - order for arrest, where obtained, 7490.
 - basis of order, 7491.
 - undertaking from plaintiff, 7492.
 - when order issued and served, 7493.
 - papers to be served on defendant, 7494.
 - sheriff's duties, 7495.
- bail, provisions for giving,
 - defendant to have reasonable opportunity to give bail, 7496.
 - discharge, 7496.
 - bail, how given, 7497.
 - surrender by bail, 7498.
 - bail may arrest, 7499.
 - action against bail, 7500.
 - bail exonerated, 7501.
 - plaintiff may except to bail, 7502.
 - justification of bail, 7503.
 - requisites of bail, 7504.
 - examination of bail, 7505.
 - allowance of bail, 7506.
- further proceedings,
 - discharge by deposit, 7507.
 - payment into court, 7508.
 - deposit refunded on parol bail, 7509.
 - deposit applied on judgment, when, 7510.
 - sheriff's liability, 3396, 7511.
 - judgment against sheriff, 7512.
 - bail liable to sheriff, 7513.
 - motion to vacate arrest, 7514.
- to be heard upon affidavits, 7515.

ARREST OF JUDGMENT.

- in criminal actions, see Criminal Procedure, § 12.

ARSON.

- defined, 9849.
- definition of terms,
 - building, 9850.
 - inhabitable building, 9851.
 - nighttime, 9852.
 - burning, 9853.
 - ownership, 9854.

INDEX.

(References are to sections.)

ARSON — (continued).

- degrees, 9859.
- degrees defined,
 - first, 9860, 9861.
 - second, 9862, 9863.
 - third, 9864, 9865.
 - fourth, 9866.
- burning without intent to destroy, 9857.
- contiguous buildings, 9858.
- committed at night destroying life, murder, 9499.
- immaterial variance in proof, 9855.
- malice, how inferred, 9856.
- punishment for,
 - in general, 9867.
 - committed in riot, 9808.
 - burning insured property, 9982.
 - burning public buildings, 9846.

ART.

- injuring, disfigurement or destruction of works of, misdemeanor, 10080.

ARTICLES OF FOOD.

- term as used in cold storage act, defined, 3149.

ARTICLES OF INCORPORATION.

- See Corporations, § 2.
- of railroads, see Railroads, § 2.
- of banks, see Banks and Banking, § 4.
- of bridge companies, see Bridges, § 4.

ASHES.

- deposit in public place, regulation of, by city, 3599(15).
- regulations in cities under commission form of government, 3818(9).
- regulations affecting the deposit of ashes in villages, 3861(3).

ASSAULT AND BATTERY.

- assault defined, 9545.
- battery defined, 9546.
- when force not unlawful, 9547.
- how punished, 9548.
- assault with dangerous weapon, 9519, 9549.
- shooting with intent to kill, 9519.
- with intent to commit felony,
 - by shooting or by means of deadly weapon, 9531.
 - other assaults, 9532.
 - by administration of drugs, 9533.
- conviction for, in maiming, 9512.
- in presence of the court, how punished, 10417.
- limitation of action for, 7377.

ASSES.

- requirement for admission of, into state, 2762a.

ASSESSMENTS.

- of taxes, see Taxes, § 5; see also generally, Assessors.
- of stock, see Corporations, § 11.
- in mutual life insurance companies, 4879-4891.

INDEX.

(References are to sections.)

ASSESSORS.

§ 1. *In general.*

- assessor districts, 2125.
- appointment in unorganized counties, 2225.
- in towns embracing territory in more than one county, 3564a.
- eligibility, 2125.
- oath, 2126.
- bond, 2126.
 - approval of, 2126.
 - duty to furnish state bond, 193.
- compensation for collecting statistics, 1906.
- fees of, in examining state land, 331.
- vacancies, how filled, 2125.
- power to appoint deputies, 701.
- duties,
 - to make list of persons liable to assessment, 2127.
 - on refusal to list property, 2130.
 - to make examination under oath, when, 2107.
 - to administer oath, when, 2130.
 - in respect to assessment in general, 2127-2132.
 - to fix valuation of property, 2103-2122.
 - to value and assess exempt property, 2219.
 - to make returns to auditor, 2135.
 - to give notice of equalization, 2134.
 - when personal property is removed from state or county, 2106.
 - to make militia list, 2348.
 - to inquire regarding hail insurance, 177.
 - as to taking census, 1892-1902.
 - to furnish certain data to state statistician, 1903, 1904.
 - to procure blanks from county auditor, 2123.
 - of town and county assessor to examine trees planted for bounty, 2816.
- penalty for failure to make complete returns of statistics, 1907.
- agreement for false assessment, misdemeanor, 9331.
- receiving gifts, misdemeanor, 9343.
- receiving bribe, punishment, 9341.
- attempt to intimidate, 9402.

§ 2. *City assessor.*

- appointment, 3612, 3642.
- of additional assessors, 3613.
- in cities situated in more than one county, 3564a.
- duties,
 - in general, enumerated, 3641.
 - to keep assessment roll open to inspection, 3642.
- deputy,
 - appointment, 701.
 - oath, indorsement on bond, 701.

§ 3. *Village assessor.*

- appointment of, in villages situated in more than one county, 3564a.
- compensation, 3871, 3895, 2125.
- duties in general enumerated, 3871.

§ 4. *Township assessor.*

- election, term of office, 4087.
- oath of office, 4159, 4160.
- bond, 4167, 2126.
- compensation, 2125, 4219.
- duties,
 - as to making assessments and returns, law governing, 4212

INDEX.

(References are to sections.)

ASSESSORS—(continued).

duties—(continued).

to examine state lands, 331.

vacancies, how filled, 4174, 2125.

§ 5. District assessor.

to be nominated at primary election, 852.

election, 2125.

vacancy, how filled, 2125.

compensation, 2125.

qualification, 2125.

bonds, 2126.

oath of, 2126.

duty to examine state lands, 331.

deputy,

appointment, 701.

oath, indorsement on bonds, 701.

ASSIGNMENT.

of judgment, see Judgment, § 9.

effect of assignment of thing in action on set-off, 7396.

bill of exchange not assignment of fund, 7012.

of debt carries security, 6733.

of judgment, 7700.

of rights derived from tax judgment sales, 2340.

of firemen's pension, 4004.

of claims for mechanic's lien, 6827.

when assignee liable for costs, 7809.

ASSUMPTION OF RISKS.

See Master and Servant, § 7.

ASTROLOGERS.

power of cities to license, tax, regulate and prohibit, 3599 (30).

ASYLUMS FOR POOR.

See Poor, § 5.

ATTACHMENT.

§ 1. In general.

provisional remedy by, 7487.

liability of sheriff for failure to execute writ of attachment, 3394.

sheriff's fees for serving, 3514.

officer's lien in, 6871.

judgment on, how made, 7563.

proceedings upon judgment for defendant, 7564.

cancellation of notices of attachment, 7565.

return by officer where warrant is executed or discharged, 7566.

levy of, dissolved by insolvency proceedings, 8383.

§ 2. When may issue.

in general, 7537.

on claim before due, 7538.

to compel executors or administrators to file an account, 8828, 8829.

in contempt proceedings, 8183.

§ 3. What not subject to.

dead body, 9631.

property of non-existing foreign corporation, when, 7985.

cemetery lots, 5099.

INDEX.

(References are to sections.)

ATTACHMENT—(continued).

- banks, 5188.
- benefit from beneficiary association, 5053, 5078.
- § 4. *Procedure generally.*
 - when action deemed commenced, 7539.
 - warrant, by whom issued, 7540.
 - when issued, 7541.
 - requisites of, 7542.
 - plaintiff's undertaking, exceptions thereto, 7543.
 - what papers must be filed, 7544.
 - execution of warrant, 7545.
 - inventory to be made; perishable property, 7546.
- § 5. *Levy.*
 - how levied, 7547.
 - levy on pledge or mortgaged property, 7548.
 - warrant and notice of levy to be served, 7549.
- § 6. *Proceedings after levy.*
 - claim of third person, how made, 7550.
 - certificate of defendant's interest, 7551.
 - custody and collection of property, 7552.
 - plaintiff may prosecute action; undertaking, 7553.
 - perishable property may be sold, 7554.
- § 7. *Discharge.*
 - defendant may apply for, 7555.
 - undertaking for discharge, 7556.
 - undertaking where there are two or more defendants, 7557.
 - discharge of partnership property, 7558.
 - undertaking must be filed and served, 7559.
 - giving undertaking not waiver of right to move discharge, 7560.
 - who may move discharge, 7561.
 - proceedings may move discharge, 7562.
- § 8. *In justice's court.*
 - issuance of, 9058-9061.
 - judgment in, 9103.

ATTEMPT.

- to kill,
 - by administering poison, 9518.
 - by shooting, or by means of any deadly weapon, 9519.
 - other assaults with attempt to kill, 9520.
 - coverture no excuse for, 9213.
- to commit suicide, 9450.
- aiding attempt, 9453.
- to extort money, 9249.
- to compel form of belief, 9245.
- to incite duel, 9540.
- to intimidate officers, 9403.
- to conceal birth of child, second offence, 10341.
- to escape from prison, 9352, 9353.
- to commit crime, conviction for restricted, 10336.
- to commit crime, punishment where lesser crime results, 10338, 10339

ATTORNEY-GENERAL.

- § 1. *In general.*
 - assistants, how appointed, 160.
 - salary of assistant, 161.
 - appropriation for clerk hire, 652.

INDEX.
(References are to sections.)

ATTORNEY-GENERAL—(continued).

- prosecution in name of, permitted, when, 9423.
- § 2. *Ex officio member of.*
 - state auditing board, 375.
 - board of state auditors, 369.
 - state banking board, 5146.
 - state board of canvassers, 1011.
 - state board of equalization, 2141.
 - board of pardons, 157.
 - board of commissioners of school lands, 284.
- § 3. *Powers of.*
 - in general, 160.
 - to institute and prosecute all proceedings in which the state is a party, 3376 (9).
 - as to the continuance of unexpended appropriations for state institutions, 1818.
 - to appoint an attorney in proceedings to enforce decrees of railroad commissioners, 4733.
- § 4. *Duties.*
 - in general,
 - in general, enumerated, 157.
 - to report to governor, 158.
 - to collect unpaid amounts due school fund, 291.
 - to attend sessions of railroad commissioners, 588.
 - to audit costs and expenses of railroad litigation, 4763.
 - advisory,
 - to advise armory commission, adjutant general and commander of militia, 2363.
 - to advise state engineer, 8267.
 - to advise highway commission, 605.
 - to advise railroad commissioners, 595.
 - as to enforcement of the law,
 - prosecute officers for failure to make official report, 637, 1824.
 - to prosecute and defend actions for railroad commissioners, 595, 4746,
 - to enforce payment of taxes by county, 2275.
 - in action by state to annul patents, 7980.
 - to bring action for forfeits, 8022.
 - to bring action for forfeiture of corporation charter, when, 3040.
 - to bring action against insolvent corporation, 8005.
 - as to domestic insurance companies, 4839.
 - as to fraternal beneficiary associations, 5037.
 - to enforce act relative to commercial discrimination, 3051.
 - to bring action to enjoin corporation guilty of commercial discrimination, 3054.
 - to prosecute violations of provisions relative to coal freight rates, 4783.
 - to institute action for the state hospital for the insane, 1769.
 - to prosecute violations of prohibition law, 10112.
 - in regard to enforcement of pure food law, 2882.
 - in respect to pure seed law, 2908.
 - to enforce game and fish law, 10270.
 - in irrigation suits, 8249.

ATTORNEYS.

- See Bar Examiners, State Board of.
- § 1. *In general.*
 - oath of office, 791.
 - exempt from jury duty, 814.
 - lien of, 6875, 6876.
 - service of papers upon, 7959
 - relations with client confidential, 3923.
 - appointment of, for indigent defendant, 11072

INDEX.

(References are to sections.)

ATTORNEYS—(continued).

name of, to appear on summons in justice's court, 9022.
appearance by, in justice's court, 9028.
proof of authority may be required, 797.
duties in general, enumerated, 794.
to be member of board of commissioners of insanity, 2547.

§ 2. Admission to bar.

power to admit to bar vested in the supreme court, 789.
dependent upon compliance with rule of court, 788.
examination, 784.
qualifications, 790.
admission on certificate without examination, 792.
right of foreign attorneys to practice law, 793.

§ 3. Who may practice.

right of nonresident attorney to practice law, 793.
right of county judge to practice law, 8519.
right of law partner of county judge to practice in county court, 8519.
county clerk not authorized to act as attorney in any matter before county court, 8520.

§ 4. Powers.

in general, enumerated, 796.
not to be surety, 798.
not to defend where partner as State's attorney prosecutes, 10237.
attorney prosecuting not to defend, 10238.
attorney may defend himself, 10239.
not to appear before board of conciliation of justice's court, 9190.
right to visit person accused of crime, 10548.

§ 5. Compensation.

fees of, left to agreement, when, 7789.
of attorneys assigned to defend criminal actions in county courts, 8963.
fees of, in foreclosure of mortgage, 8098.
fees of, in justice's court, 9108.
fees of, in anti trust proceedings, 9963.
instrument negotiable although providing for payment of fees, 6887.
provision for fees in instrument, void, 7791.

§ 6. Offenses by.

refusal to pay-over money misdemeanor, 805, 806, 807.
when guilty of embezzlement, 9933.
punishment for deceit by attorney, 795.
deceiving court, misdemeanor when, 9426.
misconduct of, misdemeanor when, 9426.
permitting use of name, misdemeanor when, 9427.
—exception, 9428.
buying claim or demand in suit, misdemeanor, 9412.
lending money on demand in suit, misdemeanor, 9414.
forfeiture of office for offence, 9415.
purchase of evidence of date or thing in action for purpose of bringing suit, prohibited, 9414.
loans on claims for collection, prohibited, 9414.
forfeiture of office for offences named, 9415.
provisions named not applicable, when, 9416.
application of sections to other persons, 9417.
witness's privilege, 9418.

§ 7. Disbarment or suspension.

reference of charges to state bar association by supreme court, 708.
prosecution of charges against attorney by state bar association, 810.
power of courts to revoke or suspend attorney's license, 799.
causes for revocation or suspension of license, 800.
—deceit, 795.

INDEX.

(References are to sections.)

ATTORNEYS—(continued).

- procedure, 801.
- answer to accusation, 802.
- judgment of court, 803.
- appeal from judgment revoking license, 804.
- acquittal, judgment of court final, 804.

ATTORNMENT.

- of tenants not necessary, 5525.

AUCTION.

- defined, 5995.
- sales by, regulated, 5995-6001.
- sale of pledge at public, 6789.
- obtaining money by mock, how punished, 9972.
- See also Auctioneer.

AUCTIONEER.

- regulations as to place of business, 9837-9839.
- fraud by selling damaged goods, 9840.
- must sell in the day time, 9841.
- failure to render account, misdemeanor, 9842.
- fraud committed by auctioneer, 9843.
- as agent of seller, 6367, 6368.
- taxes, licenses and regulations in cities, 3599(70).
- under commission form of government, 3818(65).
- licenses, and regulations affecting in villages, 3861(7).

AUDITOR.

- state auditor, see State Auditor.
- county auditor, see County Auditor.
- city auditor, see Cities, § 12; Commission Form of Government for Cities, § 4.
- township auditor, see Townships, § 8.

AUDITORIUM.

- public auditorium in city, 4016-4018.

AUDITORS, STATE BOARD OF.

- membership of board of auditors for auditing accounts of state treasurer, 369.
- duties, 369.
- liability for failure to perform duties, 369.
- state auditing board,
 - members ex officio of state auditing board,
 - governor, 111, 375.
 - secretary of state, 122, 375.
 - state auditor, 132, 375.
 - state treasurer, 375.
 - attorney-general, 157, 375.
 - meetings of, 375.
 - no claims paid until audited by, 375.
 - claims against state, how verified, 657.
 - duties of,
 - in general, 375.
 - to examine state board of control, 237.
 - to employ additional clerical assistance in all state offices at the capital, 653.
 - to make inventory of twine and cordage plant, when, 11242.

INDEX.

(References are to sections.)

AUTHORITY.

defined, 6370.

AUTOMOBILES.

duties of user, in general,

must have bell or horn, 2972

must use muffler, when, 2973.

must have lights, 2973.

law of the road to control automobiles and motorcycles, 2974.

to stop when signaled by driver of vehicle, 2975.

penalty for violation of act, 2976.

registration of and regulations for,

definition of terms,

motor vehicles, 2976a.

legal authority, 2976a.

state, 2976a.

owner, 2976a.

public highway, 2976a.

application for registration, 2976b.

change of ownership, 2976c.

registration by secretary of state, 2976d.

registration tags, 2976e.

renewal of registration, 2976f.

license fee, 2976g.

registration tag to be displayed, 2976h.

color of tag, 2976i.

size and form of tag, 2976j.

provisions for nonresidents, 2976k.

speed and other road regulations, 2976l.

penalty for molesting driver or using vehicle without leave, 2976m.

disposition of license money by secretary of state, 2976n.

claims for money expended on highways, 2976o.

license moneys to be expended on highways, 2976p.

civil suits for damages, 2976q.

driver of vehicle to stop in case of accident, 2976q.

penalty for violation of provisions of act, 2976r.

officers to enforce article, 2976s.

use of, in hunting prohibited, 10200.

power of the city to regulate the speed of, 3599 (21).

— cities under commission form of government, 3818 (15).

as to regulation of, in villages, 3861 (11), 3863.

sale of unmarked rubber tires and cases, prohibited, 9975-9976.

AVERAGE, GENERAL.

See Carriers, § 7.

AWNINGS.

power of the city as to awnings, 3599 (17), 3818 (11)

regulations affecting awnings in villages, 3861 (11).

BABY FARMING.

prohibitions, 9607, 9608.

BACTERIOLOGIST.

to state live stock sanitary board, professor of veterinary science in state agricultural college to act as, 2685.

— duties of, 2685.

INDEX.

(References are to sections.)

BADGES.

wearing unauthorized, prohibited when, 9967.

BAGATELLE.

power of cities to license, tax, regulate and prohibit, 3599 (33).

BAGGAGE.

carrier of persons to receive and carry, 6243.

defined, 6244.

bicycles are, 6244.

liability of carrier for, 6245.

delivery of; passenger's risk, 6246.

carrier's lien on, 6252.

BAIL.

provisional remedy of arrest and bail, see **Arrest and Bail**.

§ 1. *In general.*

defined, 6649.

obligation of, how governed, 6650.

admission of person arrested to, on Sunday or holiday, 7338.

for defendant in criminal action in justice's court, 9140.

amount to be fixed by court on bench warrant, when, 10715.

duty of magistrate, where bail is given for arrest for misdemeanor, 10545, 10546.

on arrest after indictment, how fixed, 10718-10720.

in criminal actions when change of venue is ordered, 10761.

giving of, deemed waiver of examination, 10555.

forfeiture of, for non-appearance after conviction, 10928.

exonerated by defendant's insanity, when, 11069.

becoming, by personating another, 9964.

§ 2. *Procedure in general.*

admission to bail, defined, 11111.

taking of bail, defined, 11112.

when bail must be taken, 11113.

bail when defendant charged with capital offense, 11114.

bail after conviction, 11115.

before conviction; after, 11116.

qualification of: jurisdiction, 11117.

bail taken; defendant to be discharged, 11118.

deposit for bail, 11119.

notice of admission to bail to be given to state's attorney, 11120.

who may take bail, 11121.

form of undertaking of bail, 11122.

admission to, who may make order, 11123.

defendant may be arrested by his bail, 11124.

forfeiture of bail, 11125.

additional security may be required, 11126.

action on undertaking; defects not fatal, 11127.

when surety may be discharged, 11128.

BAILEE.

fraudulent appropriation by bailee, as embezzlement, 9934.

See also **Deposit; Loans; Hiring**.

BAILIFF.

of district court, see **Courts, District**, § 7.

of supreme courts, see **Courts, Supreme**, § 4.

of county court with increased jurisdiction, see **Courts, County Court with Increased Jurisdiction**, § 9.

INDEX.

(References are to sections.)

BAILMENT.

when delivery of grain to warehouse constitutes, 3114.
See also Deposit; Loans; Hiring; Warehousea.

BAKERY.

sanitation of, see Food, § 2.

BALLOT BOXES.

destruction of, felony, 9278.

BALLOTS.

at general election, see Elections, § 9.
at primary election, see Elections, Primary, § 2.
destruction of, felony, 9278.

BANK NOTES.

See Negotiable Instruments.
limitation of actions on, 7392.
sale or pledge of, prohibited, 10008.
unlawful issue of, how punished, 10009.

BANKRUPTCY.

notice of dishonor to bankrupt, how given, 6986.
cancellation of judgment against bankrupt, 7710-7712.

BANKRUPT STOCKS.

assessment of bankrupt stocks, 2253.
— equalization of assessment, 2254.

BANKS AND BANKING.

See Trust Companies.

§ 1. In general.

bank defined, 7075.
indorsement of paper to "cashier", effect of, 6927.
lien of banker, 6868.
when to act as depository of school funds, 1475.

§ 2. Banking department.

creation of, 5146.
repeal of law, 5146b.
state banking board,
 membership of, 5146.
 officers of board, 5146.
 quorum and meetings, 5146.
 duties and powers of, 5146.
 — to wind up financial corporations, when, 4599.
 secretary of state *ex officio* member, 122.
 attorney-general *ex officio* member, 157.
 appropriation for expenses, 5146a.

§ 3. Bank examiner.

ex officio examiner of state banking board, 5146.
salary of, 5146.
duties of,
 to examine state depositories, 373.
 in respect to examination of financial corporations, 4597, 4598.
 to supervise and investigate banks, 5146.
 to make reports, 5146.
appropriation for clerk hire, 652.

INDEX.

(References are to sections.)

BANKS AND BANKING—(continued).

§ 4. Banking corporations.

general provisions,

- who may form, 5147.
- organization certificate, contents, 4507, 5148.
- acknowledgment and record of certificate, 5149.
- articles of incorporation as evidence, 5158.
- rate of interest to be paid, 5166.
- banks to have official number, 5157.
- responsibility of shareholder, 5168.
- secretary of state to keep bank record, 5190.
- list of shareholders to be kept upon files, 5185.
- delinquent stock, how sold, 5159.
- banks exempt from attachment and execution, 5188.
- reports; penalty for failure to make, 5167.
- finances and penalties, how recovered, 5171.
- dissolution of; duties of state examiner, 5162.
- repeal and saving clause, 5199.

officers,

- qualification of directors, 5164.
- oath of officers, 5180.
- bonds of officers and employees, 5181.

capital stock,

- shares, how issued; value; liability of shareholders, 5160.
- amount, how paid in, 5155.
- certificate and authorization to be published, 5156.
- how increased or reduced, 5161.

powers of,

- in general, 5150.
- limit of investment in furniture, fixtures, and land on which banking house is located, 5151.
- as to holding real estate, 5152.
- to remove place of business, when, 5155.

assets and dividends,

- reserve fund, 5170.
- dividends; surplus fund, 5163.
- no dividends, when; bad debts, 5165.

limitation of powers,

- banking to be done in compliance with law; penalty, 5177.
- assets not to be used in other business, 5187.
- impairment of capital prohibited, 5186.
- overdrafts prohibited, 5184.
- loans on shares prohibited, 5169.
- limitation of loan to one person or concern, 5172.

examination,

- examination of state banks by state examiner, 229.
- examination of bank by directors, 5182.
- fees for examination, 5179.

insolvency,

- insolvent when, 5189.
- insolvent bank not to receive deposits; penalty, 5175.
- action against insolvent banks, 5183.

§ 5. Taxation.

- stock listed for taxation, how, 2115.
- banks to keep and furnish list of stockholders for taxation, 2116.
- property of, subject to taxation, 2075.
- taxation on bank stock to be a lien on dividends, 2117.

INDEX.

(References are to sections.)

BANKS AND BANKING—(continued).

§ 6. *Penalties.*

- penalty for violation of article, 5153, 5154.
- penalty for violation of act, not otherwise provided for, 5173.
- forfeiture of franchise when, 5178.
- when banker guilty of embezzlement, 9933.
- unlawful loan of directors of, misdemeanor, 10006.
— loan not invalid, 10007.
- sale or pledge of bank notes prohibited, 10008.
- unlawful issue of bank notes, how punished, 10009.
- unlawful indorsement or guarantee, how punished, 10010.
- officer of, overdrawing account, misdemeanor, 10011.
- receipt of deposit when insolvent, how punished, 10012.

§ 7. *Savings banks.*

- organization of, 5193.
- capital stock, 5194.
- management of,
 - directors, 5195.
 - officers, 5195.
 - meeting of directors, 5195.
- deposits,
 - amount which may be received, 5196.
 - how deposits may be paid out, 5196.
 - notice of withdrawal, 5196.
 - interest to be paid, limitation of, 5197.
 - investment of funds, 5198.
 - dividends, when payable, 5199.
 - deposit by executors, minors, etc., 5200.
 - receipts, 5201.
 - savings deposits, who may take; penalty, 5202.
 - loans to directors and officers may be made, when, 5203.
 - provisions of the code applicable to, 5204.

BARBERS.

§ 1. *In general.*

- occupation of, defined, 551, 571.
- apprentices, right of, 566.
- Sunday barbering prohibited, 567.
- sanitation of barber shops, barbers' tools to be disinfected, 2955, 2956.
- registration card to be posted, 568.
- drunkenness as ground for revoking barber's license, 570.
- penalty for practising without certificate of registration, 572.

§ 2. *Barbers' examining board.*

- members,
 - qualifications; appointment; term of office; bond, 559.
 - compensation, 561.
 - vacancies, how filled, 559.
 - organization, 560.
- seal, 560.
- treasurer, duties of, 562.
- report,
 - contents of report, 562.
 - time for making report, 562.
- powers,
 - to revoke certificate of registration, 570.
 - officers may administer oaths, 560.

INDEX.

(References are to sections.)

BARBERS—(continued).

- examinations,
 - examinations to be public, 563.
 - time for holding examinations, 563.
 - notice of, how given, 563.
 - who exempt from examinations, 564.
 - candidates, qualifications, 565.
- certificate of registration,
 - unlawful to practice without certificate of registration, 558.
 - how obtained, 565.
 - registration card to be posted, 568.
 - registry of, 569.
 - renewals of certificate, 565.
 - apprentices, 566.
 - ground for revoking; regranting, 570.
 - penalty for practicing without certificate of registration, 572.
- registration fees, 564, 565.

BARBERS' EXAMINING BOARD.

See Barbers, § 2.

BAR EXAMINERS, STATE BOARD OF.

See Attorneys.

members,

- number, appointment, qualifications, 782.
- term of membership, 783.
- vacancy, how filled, 783.
- salary, 787.

officers, 784.

— compensation of secretary, 786.

duties,

- keep record of all proceedings, 784.
- keep record of all applications for admission to bar, 784.
- keep record of each person admitted as an attorney at law, 784.
- report the result of all examinations to the supreme court, 785.

bar examinations, 784.

— record, 784.

— fees, 786.

admission to bar,

- power to admit persons to practice as attorney vested in the supreme court, 783.
- qualifications of applicants, 790.
- admission on certificate without examination, 792.
- admission dependent upon compliance with rules of court, 783.
- certificate of admission, 785.

BARLEY.

- weight of bushel of, 3006.
- rate of taxation of, 2256.

BARRATRY.

- defined, 9408.
- misdemeanor, 9409.
- amount of proof required, 9410.
- interest of accused no defense, 9411.

BARS.

in fence, 10088-10091.

BASEBALL.

- power of cities as to playing ball on sidewalks and streets, 3599 (71).
- cities under commission form of government, 3818 (66).

INDEX.

(References are to sections.)

BASTARD.

concealing still birth or death of, 9606.

BASTARDY, PROCEEDINGS IN.

complaint, form, 10483.

issuance and service of warrant, form, 10484.

how defendant released, 10485.

examination, undertaking and commitment, 10486.

return of warrant, undertaking, 10487.

undertaking after commitment, 10488.

proceedings for trial, 10489.

answer; trial by court or by jury, 10490.

defendant adjudged father; judgment, 10491.

imprisonment for ninety days; discharge, 10492.

execution may issue, 10493.

woman failing to prosecute; county commissioner, 10494.

prosecution limited, 10495.

other provisions applicable, 10496.

state's attorney must prosecute, 10497.

action on undertaking, 10498.

proceedings on undertaking, 10499.

deposit on undertaking, 10500.

BATHS.

public baths in cities, 4016—4018, 3818 (74).

BATTERY.

See Assault and Battery.

BAWDY HOUSE.

defined, 9640.

keeping of, misdemeanor, 9639, 9640.

letting building for, misdemeanor, 9641.

common nuisance, penalty for maintaining, 9644.

injunction; penalty for violation of, 9645.

officers to take possession, when, 9646.

innocent persons may recover property, how, 9647.

contempt proceedings, 9648.

injunction, violation, how punished, 9649, 9650.

what evidence admissible; immunity from prosecution, 9651.

keeping of, coverture no excuse for, 9213.

BEANS.

weight of bushel of, 3006.

BEARER.

defined as to negotiable instruments, 7075.

See Negotiable Instruments.

BEAVER.

protected, 10317.

colony of, to be removed, when, 10318.

BEER.

defined, 10157.

intoxicating liquor, 10105.

judicial notice of qualities of, 7939.

INDEX.

(References are to sections.)

BEETS.

weight of bushel of, 3006.

BELIEF.

See Religious Belief.

BENCH WARRANT.

for arrest of defendant after presentment,

may issue, when, 10672.

issuance by clerk, 10673.

form of, 10674.

where and how served, 10675.

magistrate's procedure, 10676.

for arrest of defendant after information or indictment,

when to be issued, 10711.

clerk to issue, 10712.

form of warrant in case of felony, 10713.

misdemeanor or bailable felony, 10714.

court to fix amount of bail, 10715.

custody where offense is not bailable, 10716.

warrant to be served in any county, 10717.

procedure before magistrate in other county, 10718.

for arrest of defendant after conviction, 10928-10932.

See also Warrant; Arrest.

BENEFICIARIES.

who are, in fraternal benefit societies, 5063.

See also Trusts.

BENEFITS.

of fraternal beneficiary society, see Fraternal Beneficiary Societies.

BENEVOLENT CORPORATIONS.

how formed, 5005.

annual report, 5006.

may acquire and sell property, 5007.

provisions of by-laws, 5009.

subsequent members, rights of, 5010.

membership rights, personal, 5011.

BENZINE.

power of cities as to the storage of, 3599 (50), 3818 (45).

BENZOIC ACID.

use of, in foods as adulteration, 2880.

BERTILLON SYSTEM.

lawful to use when, 10595.

BETTING.

on election, misdemeanor, 9252.

on prize fight, misdemeanor, 9816.

BEVERAGES.

appropriation to enforce beverage inspection law, 1624.

registration of trademarks of manufacturers of soda water, mineral water or light beverages, 2922.

fees for registration, 2922.

See also Food.

INDEX.

(References are to sections.)

BIAS.

as ground of challenge of juror in civil cases, 7616.
— in criminal cases, 10809.
matters constituting implied bias of juror, 10810.

BIBLE.

family, exempt from execution, 7730.
reading of, in public schools, 1388.
to be given to apprentice at end of term of service, 4482.
to be furnished prisoners, when, 11328.

BICYCLES.

law of the road, must observe, 2051.
are baggage, 6244.

BIDDER.

highest bidder in sale of corporate stock for delinquent assessment, defined, 4581.

BIDS.

contracts for public improvements in cities, see Cities, § 21.
for public printing, 47.
for erection of buildings of state institutions, 1830, 1832.

BIGAMY.

defined, 9610.
— exceptions, 9611.
punishment, 9612.
unlawful marriage defined, 9613.
coverture no excuse for, 9213.
proof of former marriage, what sufficient, 10861.

BILLIARD HALLS.

screens not allowed in, 9690.
minors not allowed in, 9689.
power of the cities to license, etc., 3599 (33).
licenses, taxes and regulations in cities under commission form of government, 3818 (26).
licenses, taxes, and regulations in villages, 3861 (6).

BILL, LEGISLATIVE.

alteration of draft of, felony, 9325.
alteration of engrossed copy of, felony, 9326.

BILLS AND NOTES.

See Negotiable Instruments.

BILLS OF EXCHANGE.

See Negotiable Instruments.

BILLS OF LADING.

See Carriers, § 7.

BILLS OF PARTICULARS.

when to be furnished, 7457.

BILLS OF SALE.

how recorded, 3330.
value of instrument presumed to be that of property represented, 7180.

INDEX.

(References are to sections.)

BINDWOOD.

as noxious weed, 2900.

BIOLOGICAL STATION.

See University of North Dakota.

BIOLOGICAL SURVEY.

duty of trustees of university in respect to, 1562, 1563.

BIOLOGY.

biological station established, 1568-1571.

BIRDS.

ownership of wild birds in state, 10262.

game, enumerated, 10304.

other than game, no open season for, 10304.

— exceptions, 10304.

nests not to be destroyed, 10288.

imported song birds, 10304.

trapping in cemeteries, how punished, 10058.

BIRD'S FOOT.

as noxious weed, 2900.

BIRTH.

See Health, § 4.

BLACKBIRDS.

no closed season for, 10304.

BLACKLIST.

punishment for exchanging, 9446.

BLACKSMITH.

lien of, for repairs on personalty, 6877.

regulations affecting the management of shops in cities, 3599 (63).

in cities under commission form of government, 3818 (58).

BLASPHEMY.

defined, 9222.

serious discussion not blasphemy, 9223.

as a crime, 9222-9224.

profane swearing as a crime, 9225-9228.

prosecution for, time limited, 9249.

BLIND.

duty of physician or midwife when child is born blind, 3168-3170,

duty of health officer, 3171.

penalty for violation of article, 3172.

care of blind children, 1706-1708.

BLIND ASYLUM.

location of, 1699.

government of, 1699.

trustees of,

how appointed, 1700.

length of time, 1700.

organization of board, 1701.

INDEX.

(References are to sections.)

BLIND ASYLUMS — (continued).

quorum, 1701.
meetings of board, 1702.
compensation of board, 1702.
proceeds from land grants of congress, 1703.
by laws and rules, 1704.
reports when made, 1705.
instruction of blind children, 1706.
care of blind children, 1707-1708.
treasurer,
 bond, 1808.
 duties in general, enumerated; 1808.
accounting officer, 1807, 1811, 1816.
introduction of intoxicating liquor into, prohibited, 10174.
See also Board of Control.

BLUE BOOK.

provision for printing and distribution of, among schools, 92, 93

BOARDING HOUSE.

keeper of, to report contagious disease, 423.
guests at, to be apprised of the use of oleomargarine, 2863.
jumping board bill, misdemeanor, 10254, 10255.
intentional destruction or damage of property by guest, misdemeanor, 10256.

BOARD OF CONTROL.

§ 1. *Creation and organisation of.*

creation of, 236.
membership of,
 qualification, 236.
 nomination, 236.
 term of office, 236.
 confirmation, 236.
 salary, 236.
 — when paid, 241.
 removal, 236.
 vacancy, 236.
 oath of office, 237.
 official bond; 237.
 members not eligible to other office, 237.
subject to examination by state auditing board, 237.
self-incrimination no exemption from, 237.
officers,
 secretary of, 238.
 — salary, 238.
 stenographer, 238.
 other employees, 238.
supplies for, 238.

§ 2. *General provisions.*

appropriation for, 239.
traveling expenses, governor's approval of, 240.
itemized statement of expenses, 241.
salary, when and how paid, 241.
official seal, 242.
institutions under their control, 243.
access to books of state institution, 243.
liability of, for accepted appropriations, 252.

INDEX.

(References are to sections.)

BOARD OF CONTROL— (continued).

- treasurers of local institutions superseded by, 271.
- gift or gratuity to, penalty for receiving, 266.
- political contributions by, prohibited, 268.
- subordinate officers to appoint assistant, 269.
- not exempt from prosecution for perjury, 237.
- laws repealed, 283a.
- § 3. *Powers of.*
 - powers formerly possessed by board of trustees of state institution, 244.
 - to examine witnesses and books, 245.
 - to permit maintenance of contingent fund, 276.
 - to make rules for the execution of its powers, 279.
 - power of present building commission, 283.
 - as to state hospitals for the insane, 1755.
 - to appoint subordinate officer, 258.
 - to appoint state architect, 257.
 - to appoint woman visitor of hospital for insane, 246.
 - to investigate question of insanity, 259.
 - to make contract for supplies, 280.
- § 4. *Duties.*
 - in general,
 - to report refusal of witness to testify, 245.
 - biennial report, 247.
 - to keep record, 256.
 - to impart information when, 256.
 - to take inventory of stock and supplies, 265.
 - to formulate and furnish blanks and forms, 277.
 - to fix salaries of subordinates, 270.
 - to require bond of subordinate, 264.
 - to report abuses or wrongs to governor, 253.
 - to remit money to state treasurer, 272.
 - to protect against fire, 263.
 - letting of contracts, 282.
 - in respect to terminal elevators, 2073.
 - to purchase of supplies, 281.
 - biennial reports, 267.
 - as to state institutions,
 - to keep record of inmates, 266.
 - make rules and regulations for the government of the state hospital for the insane, 1755.
 - in respect to foreign insane patient, 261.
 - appoint superintendent for state hospital for the insane, 1755.
 - in respect to questionable commitment to insane asylum, 262.
 - to confer quarterly with superintendent and warden, 255.
 - report of cost of state institution, 244.
 - investigation of state institution semi-annually, 245.
 - monthly visitation of state institution, 246.
 - preparation of plans for betterment of buildings, 252.
 - to inspect institutions and management thereof, 254.
 - to keep books and account, 248, 249.
 - to make biennial estimate for special appropriations, 250.
 - to make suggestions for legislation, 251.
 - to collect information relative to charitable, reformatory and penal institutions, 260.
 - to utilize labor of inmates of institutions, 282.
- § 5. *Duties of subordinate officers.*
 - of steward, clerks, etc., 278.
 - monthly statements, 274.

INDEX.

(References are to sections.)

BOARD OF CONTROL — (continued).

- pay-roll, 275.
- to prepare estimates for purchase of supplies, 273.

BOARD OF COUNTY COMMISSIONERS.

See County Commissioners.

BOARD OF EDUCATION.

- in common school district, see Schools and School Districts, § 5.
- in independent school district, see Schools and School Districts, § 6.
- in special school district, see Schools and School Districts, § 7.
- in cities not organized under general law, see Schools and School Districts, § 8.
- as to state board of education, see Education, § 2.

BOARDS OF HEALTH.

See Health, § 2.

BOARD OF SUPERVISORS.

See Supervisors.

BOARDS, STATE.

See Accountancy, State Board of; Animals, § 5; Auditors, State Board of; Banks and Banking, § 2; Bar Examiners, State Board of; Barbers, § 2; Elections, § 12; Elections, Primary, § 5; Capitol; Board of Control; Dentists, § 2; Education, § 2; Embalmers, State Board of; Taxes, § 10; Health, § 2; Immigration, State Board of; Medical Examiners, State Board of; Optometry, State Board of; Osteopathy, State Board of; Pardons; Pharmacy, State Board of; Poor, § 5; Public Property, State Board of; School Lands, § 2; Railroad Commissioners, State Board of.
officers and members must be residents and citizens, 705.
reports of, to contain list of employees and their salary, 633.

BOILERS.

See Steam Boilers.

BONDS.

See State Bonding Department; Negotiable Instruments; Mortgages; Bonds, Official; Bonds, State, County and Municipal.
as to appeal bonds, see Appeals; Criminal Procedure, § 19.
— security for costs, see Costs, § 3.
— for sale of liquor, see Intoxicating Liquors.
— contractor's bonds, see Bonds, Official, § 16.

BONDS, OCCUPATIONAL.

of public warehouseman, 3111.
of storage house keepers, 3139.
of commission merchant, 3022-3026.
to be given by oil companies, 3062.
to be given by person selling nursery stock, 2830.
of publisher of notice of sale of real estate for delinquent taxes, 2189.
to be given by physician for use of dead bodies for dissecting purposes, 2810.
of officer of livestock insurance companies, 4954.

BONDS, OFFICIAL.

See State Bonding Department.

§ 1. Generally.

officers required to give, 660.
officers required to furnish state bonds, 193.
form, 664.
blank forms, by whom furnished, 200.

INDEX.

(References are to sections.)

BONDS, OFFICIAL— (continued).

- run to whom, 662.
- amount of, when not otherwise provided, 663.
- when fidelity may be given, 669.
- sureties, number required, 673.
- right of insurance companies to be sole surety on, 4905.
- where deposited, 662.
- approval,
 - by whom made, 662.
 - approval to be indorsed on bond, 675.
 - approval of re-elected officers, 681.
 - appeal from refusal to approve, 675.
- time given to supply sufficient, 675.
- recording, custody of, 662.
- construed to cover all official duties, 680.
- expenses of, how paid, 4906.
- cancellation of, by state bonding department, 206.
- § 2. *Of state officers.*
 - custodian of bonds, 122.
 - recording of, 122.
 - power of governor to require additional bond, 674.
 - secretary of state, 131.
 - deputy secretary of state, 701.
 - state auditor, 142.
 - deputy state auditor, 701.
 - treasurer, 156.
 - custodian of bond, 122.
 - deputy state treasurer, 701.
 - commissioners of railroads, 581.
 - state engineer and assistant, 8241.
 - state examiner, 235.
 - deputy state examiner, 235.
 - fire marshal, 201.
 - chief assistant fire marshal, 201.
 - chief of supply of state militia, 2360b.
 - paymaster-general of state militia, 2361.
 - notary public, 663, 837.
 - state inspector of oils, 3061.
 - reporter of supreme court, 732.
- § 3. *Of state boards.*
 - state board of control, 237.
 - secretary and officers of state board of control, 264.
 - deputy commissioner of university and school lands, 298.
 - members of board of pharmacy, 479.
 - members of barbers' examining board, 559.
 - treasurer of board of embalmers, 547.
 - executive officer of state live stock sanitary board, 2682.
 - agent of immigration board, 577.
 - temperance or enforcement commissioner, 615.
 - deputy temperance commissioner, 616.
 - special temperance enforcement sheriff, 615.
 - deputy bank examiners, 5146.
- § 4. *Of state institutions.*
 - superintendent of state institution, 1809.
 - treasurer of state institution, 1808.
 - superintendent of state hospital of the insane, 1757.
 - trustees of state hospital for the insane, 1750.
 - trustees of soldiers' home, 1780.

INDEX.

(References are to sections.)

- BONDS, OFFICIAL — (continued).**
trustees of state normal and industrial school at Ellendale, 1729.
superintendent of state reform school, 11277.
trustees of penitentiary and reform school, 11193.
wardens of penitentiary, 11206.
deputy warden of penitentiary, 11210.
commissioner of university and school lands, 285.
treasurer of agricultural college, 1618.
trustees of agricultural training school, 1459.
treasurer of state fair association, 1854.
North Dakota Firemen's association, 1841.
- § 5. *Of county officers.*
approval of, 676.
recording of, 676.
county commissioners, 667.
county treasurer,
 character of, 664.
 amount of, 327, 663, 664.
 to be filed with county auditor, 662.
 premium of, paid by county, 664.
 bureties, number required, 673.
 liability for default, 2183.
 covers duties as to school lands, 327.
 additional bond, when required, 665, 3361, 3464, 3475.
 penalty for failure to furnish, 666.
deputy county treasurer, 701.
county auditor, 663.
deputy county auditor, 701.
sheriff, 663.
deputy sheriff, 701.
coroner, 663.
register of deeds, 663.
deputy register of deeds, 701.
commissioner of deeds, 609.
state's attorney, 663.
county surveyor, 3425.
deputy surveyor, 701.
drain commissioners, 2463.
sheep inspector, 2744.
deputy county auditor, 701.
county superintendent of highways, 1990a.
- § 6. *Of county institutions.*
superintendent of poor asylum, 2535.
treasurer of county fair association, 1872.
- § 7. *Of city officers.*
city officers, in general, 3615.
of cities under commission government, 3791, 3807.
treasurer,
 amount, 3615.
 additional bond, 3639.
 bond to board of education, 1305.
assessor, 193, 2126.
deputy city assessor, 701.
city health officer, 412.
- § 8. *Of village officers.*
village officers, 3869.
treasurer of village park district, 4067.

INDEX.

(References are to sections.)

BONDS, OFFICIAL — (continued).

- § 9. *Of township officers.*
township officers, generally, 670.
treasurer, 4165.
assessors, 193, 2126, 4167.
deputy district assessor, 701.
clerk, 4200.
 right of action upon, 4200.
constable, 663, 4166.
policemen in unorganized towns and villages, 3910.
- § 10. *Of judicial officers, clerks and attaches.*
See Justice of the Peace.
judge of county court, 663.
justices of the peace, 660, 663.
township justice of the peace, 4161.
police magistrate, 3622.
clerk of the supreme court, 723.
clerk of the district court, 663.
deputy clerk of district court, 701.
clerk of county court with increased jurisdiction, 8971.
supreme court reporter, 732.
marshal of supreme court, 740.
- § 11. *Of public school officers.*
deputy superintendent of public instruction, 701.
county superintendent of schools, 663.
deputy county superintendent of schools, 701.
school district officers, 670.
treasurer of school board,
 in common school district, 1165-1167.
 — where filed, 1171.
 in independent school district, 1305.
 in special school district, 1256.
of trustees of state normal and industrial school at Ellendale, 1729.
treasurer of state institutions, 1808.
- § 12. *Of depositaries.*
state depositaries, 371.
depository of school funds, 1475.
- § 13. *Of bank officers and trust companies.*
bank officers and employees, 5181.
officers and employees of trust companies, 5209.
when not required of trust companies, 5213.
- § 14. *Of executors, administrators and guardians.*
as to bonds of executors and administrators, see Executors and Administrators, § 2.
as to guardian's bonds, see Guardian and Ward, § 2.
generally as to bonds required by the probate code, see Courts, County, § 8.
procedure from the approval of bonds required by the probate code, 8625, 8626.
- § 15. *Of foreign institutions doing business in the state.*
foreign societies for maintaining homes for orphans, 5107, 5108.
- § 16. *Of public employment.*
on public improvements,
 requisites of bonds from contractors, 6832.
 liability of public officials for failure to take bonds from contractors, 6833.
 sureties, number and liability of, 6834.
 bond to be filed, 6835.
public printing, 50.
- § 17. *Miscellaneous.*
of abstractors of title, 3090, 3093.
of hotel inspector, 2986.
of district game warden, 10273.

INDEX.

(References are to sections.)

BONDS ON PUBLIC IMPROVEMENT.

See Bonds, Official, § 16.

BONDS, STATE, COUNTY AND MUNICIPAL.

for drains, see Drains, § 6.

§ 1. *State bonds.*

revenue bonds authorized, how issued, 2285.

how negotiated, 2286.

sinking funds and interest, how provided, 2287.

cancellation of coupons, 2288.

residue after redemption turned in to general fund, 2289.

bonds, how styled, 2290.

registry, 151.

registration vests ownership, 152.

refunding bonds,

provisions for issuance of bonds to refund state indebtedness, 2276-2280.

state treasurer empowered to issue bonds for refunding indebtedness, 2276.

character of refunding bonds, 2276.

sealed proposals for bonds, 2277.

duty of board of equalization to levy tax to pay interest on bonds, 2278.

cancellation of coupons on bonds, 2279.

appropriation, 2280.

North Wing Capitol bonds,

issuance authorized, 1797.

denomination, rate of interest, 1797.

sale of, 1798.

interest and principal to be paid by state treasurer, 1799.

appropriation for payment of interest, 1800.

disposition of proceeds, 1800.

§ 2. *Of state institutions.*

for soldiers' home, 1791-1796.

for Normal school purposes, 2282-2284.

for state hospital for the insane, 1773.

sale of, for support of cordage plant in penitentiary, 11244, 11248.

§ 3. *County bonds.*

of newly organized county for payment of existing indebtedness of the territory, 3222.

authority to issue county bonds, 3449.

form of county bonds, 3451.

indorsement that bonds are within debt limit, 3491.

rate of interest, 3451.

to be sold at not less than par value, 3452.

right to exchange for an equal amount of the indebtedness of the county, 3452.

commissions to be allowed for the sale or exchange of, 3455.

negotiability, 3456.

record of bonds issued, 3452.

payment, 3454.

tax to provide funds for payment, 3453.

county building bonds,

right to issue, 3457.

necessity of submitting to voters question of issuing bonds, 3459.

form of bonds, 3462.

limit of bond issue, 3458.

denomination of bonds, 3462.

rate of interest for bonds, 3462.

negotiability of bonds, 3468.

notice and advertisement of sale of bonds, 3463.

registration of bonds, 3467.

custodian of proceeds realized from sale of bonds, 3464.

INDEX.

(References are to sections.)

BONDS, STATE, COUNTY AND MUNICIPAL — (continued).

- county building bonds — (continued).
 - taxes for payment of interest and principal of bonds, 3465.
 - payment and cancellation of bonds, 3466.
 - compensation of county treasurer for receiving and disbursing proceeds of bonds, 3464.
 - refunding bonds, 3469, 3470.
- bonds for seed grain,
 - authority to issue, 3471.
 - form of bonds, 3471.
 - how issued, 3472.
 - sale of, 3473.
 - disposition of proceeds, 3474, 3477.
 - registration of bonds, 3476.
 - compensation of county treasurer, 3476.
 - county treasurer to give additional bond upon receiving proceeds, 3475.
 - right to retired bonds, 3489.
 - duty of county treasurer as to payment, 3476.
 - tax levied for payment, 3476, 3490.
 - provision for sinking fund, 3488.
- § 4. *City bonds.*
 - power of city council to issue, form of bonds, 3599 (5).
 - power of city council to issue refunding bonds, 3599 (6).
 - power of city under commission form of government to issue bonds, 3818 (4).
 - purposes for which bonds may issue, amount of bonded indebtedness, 4014.
 - issuance, submission of question to electors, 4015.
 - to be signed by mayor and countersigned by city auditor, 3757.
 - record of bonds, 3757.
 - city bonds for improvement of highway leading to city, 3748.
 - city bonds for places of amusement or entertainment, 4016-4018.
 - refunding bonds, 4019-4025.
 - to pay bonds issued for school purposes, 4026-4029.
 - negotiability, 4025.
- § 5. *Village bonds.*
 - purposes for which bonds may be issued, 4014.
 - amount of bonded indebtedness, 4014.
 - submission of question of issuance to electors, 4015.
 - refunding bonds, 4030-4037.
- § 6. *Township bonds.*
 - procedure for issuing, 4254.
 - to be sold at par, 4255.
 - indorsement that bonds are within debt limit, 3491.
 - refunding bonds,
 - right to issue, 4030-4037.
 - procedure for issuing, 4457-4459.
 - payment at maturity, 4261.
- § 7. *Public school bonds.*
 - effect upon validity of bonds by the numbering or naming of district upon division of county, 3219.
 - refunding bonds,
 - in general, 4026-4029.
 - for refunding certain bonds, 4030-4037.
 - bonds of special school districts,
 - how and when issued, 1272.
 - form of, 1275.
 - payment of interest, 1279.
 - levy of tax to pay interest, 1276.
 - levy of tax to create sinking fund to redeem, 1276.

INDEX.

(References are to sections.)

BONDS, STATE, COUNTY AND MUNICIPAL— (continued).

- bonds of special school districts — (continued).
 - security for payment of bonds, 1280.
 - bond register, 1281.
 - surplus funds arising from refunding bonds, 1285.
- bonds of independent school district,
 - authority to issue, 1303.
 - refunding bonds, 1282-1284.
 - refunding bond, issuance of, 1282.

§ 8. Drainage bonds.

- drainage bonds, 2494.

§ 9. Bridge bonds.

- for the construction of bridges,
 - proceedings for issuance of, 1957.
 - rate of interest of, 1957.
 - term for which such bonds may run, 1957.
 - proceedings when bond issue will exceed limit of indebtedness, 1957.

BON-FIRES.

- power to regulate and prevent the building of,
 - in cities, 3599 (50).
 - in cities under commission form of government, 3818 (45).
 - in villages, 3861 (3).

BOOKS.

- refusal of officer to surrender, at close of term, 9317.
- destruction of, by corporation when unlawful, 10014.

BOOMS.

- right to take property by eminent domain for, 8203.
- interfering with, misdemeanor, 10070.

BOOTLEGGING.

- defined, 10144.
- — penalty, 10145.

BORIC ACID.

- use of, in foods as adulteration, 2880.

BOTTLES.

- selling, re-filling or keeping with intent to re-fill, how punished, 9719-9721.

BOTTOMRY.

- defined, 6796.
 - by owner of ship, 6797.
 - by master, when, 6798, 6799.
 - of freightage by master, 6800.
- interest may be held at legal rate, 6801.
- when contract enforceable although unauthorized, 6802.
- certain stipulations as to liability void, 6803.
- recovery in case of loss, 6804.
- when lien due, 6805.
- lien lost by delay in enforcing, 6806.
- preferred to all other liens except what, 6807.
- when lost bottomry lien, preferred, 6808.
- contracts of, subject to chapter on liens, 6703.
- chapter on mortgages not applicable to, 6723.

INDEX.

(References are to sections.)

BOUNDARIES.

- above and below surface, 5351.
- banks and beds of streams, 5352.
- to center of highway, 5353.
- lateral support from adjoining lands, 5354.
- trees on land of one owner, 5355.
- on line, 5356.

BOUNTIES.

- wolf bounty, see Animals, § 15.
- for tree planting, 2813-2816.

BOWLING ALLEY.

- minor not allowed in, 9689.
- screens not allowed in, 9690.

BRACTED PLANTAIN.

- as noxious weed, 2900.

BRAN.

- weight of bushel of, 3006.

BRANDY.

- defined, 10157.
- intoxicating liquor, 10105.
- judicial notice of character, 7938.

BRANDS.

- See Marks and Brands.
- of animals, see Animals, § 2.

BREACH OF PROMISE OF MARRIAGE.

- damages for breach of promise of marriage, for jury, 7164.

BREAD.

- weight of loaf of, 3012.
- power of cities to regulate the sale and prescribe the weight of, 3599 (37), 3818 (30).

BRIBERY.

§ 1. *In general.*

- bribe defined, 10362.
- solicitation of, defined, 9329.
- acceptance of gift by judicial officer or juror as, 9343.

§ 2. *Bribery, how punished.*

- disfranchisement as part of punishment of, 9285.
- of judges, 9339.
- of jurors, 9339.
- of referee, 9339.
- of witnesses, 9388.
- of members of legislative assembly, 9327-9330.
- attempt to bribe member of legislative assembly, punishment, 29, 30.
- of executive officer, 9303.
- of assessors, 9339.
- of electors, 9250-9251.
- of election officers, 9284.

§ 3. *Receiving bribe, how punished.*

- by governor, 9319.
- by judicial officers, 9340.

INDEX.

(References are to sections.)

BRIBERY — (continued).

- by jurors, referees, etc., 9341.
- executive, asking or receiving bribes, 9304.
- conviction of city alderman of bribery, as vacating his office, 3587.

BRIDGE BONDS.

- See Bonds, State, County and Municipal, § 9.

BRIDGE COMPANIES.

- See Bridges, § 4.

BRIDGES.

§ 1. *In general.*

- power of the city to construct and keep in repair, 3599 (28).
- power of wagon road corporations to construct and maintain, 4824.
- provisions for construction of bridges where drains cross highway, 2482.
- for irrigation ditches or canals, 8285.
- right to take property by eminent domain for, 8203.
- semi-annual report as to condition of, 4752.
- railroad bridges to be kept in good repair, 4640.
- belonging to bridge companies as personal property, 2098.

§ 2. *Procedure for construction of.*

- petition for building, 1951.
- bids for building, 1951.
- expenses of construction, how paid, 1952.
- supervision and repairs of bridges, 1953.
- bridges to form part of public highway, 1954.
- petition for bridge across navigable river, when and how made, 1955.
- county aid conditional, 1956.
- bonds may be issued when, 1957.
- cost of bridge limited, 1958.

§ 3. *Bridge penalties.*

- notices on bridges, 2055.
- driving cattle on bridge, 2056.
- penalty for driving across bridge faster than a walk, 2057.
- proceeding on complaint, 2058.
- judgment on conviction, 2059.
- finer imposed only when notice is posted, 2060.
- penalty for running toll-gate, 2061.
- injuring or destroying, felony, 10037.

§ 4. *Corporations.*

- articles of incorporation,
 - contents of, 4995.
 - filing, 4995.
- no tolls without authority from county commissioner, 4996.
- when franchise required, 4997.
- bridge to be kept in good condition, 4998.
- toll rates to be posted, penalty for excessive toll, 4999.
- no toll levied when bridge not in good condition, penalty, 5000.
- passage prevented until toll paid, unlawful interference, 5001.
- penalty for unlawful passage, 5002.
- annual report of county board, 5003.
- publication of report; penalty for failure, 5004.

BRIEFS.

- for appeal, to be printed, 7847.

INDEX.

(References are to sections.)

BROKER.

- liable as principal when, 6954.
- when guilty of embezzlement, 9933.
- power of cities to tax, license and regulate, 3599(70).
- cities under commission form of government, 3818 (65).

BROMIDE.

- any product containing, must be labeled, 2942.

BROOM CORN SEED.

- weight of bushel of, 3006.

BUCKET SHOPS.

- keeping of, prohibited, 9699.
- dealing in options, prohibited, 9699.
- penalty, 9700.

BUCK PLANTAIN.

- as noxious weed, 2900.

BUCKWHEAT.

- weight of bushel of, 3006.

BUDGET.

- as to county budget, see Counties, § 11.

BUILDING AND LOAN ASSOCIATION.

- how formed, 5121.
- capital stock,
 - how paid in, 5122.
 - lien on, for unpaid subscriptions, 5122.
 - withdrawal, 5122.
- loaning funds, method of, 5123.
- loans, how evidenced and secured, 5124.
- when paid back, 5125.
- no premiums to be usurious, 5126.
- may purchase real estate, 5127.
- minimum premium may be fixed, 5128.
- loan fund, certain uses, prohibited, 5129.
- investment of unloaned funds, 5130.
- power to borrow, 5131.
- retirement of unpledged shares, 5132.
- voluntary withdrawals, 5133.
- annual report, contents of, 5134.
- penalty for not making, 5135.
- certificate of authority to do business, how issued, 5135.
- examination by state examiner, fee, 5136.
- action against insolvent corporations, 5137.
- foreign corporations,
 - condition on which business may be done by foreign corporation, 5138.
 - certificate to foreign corporation, 5139.
 - revocation of authority of foreign corporation, 5140.
- selling stock of, without authority, a misdemeanor,
 - in case of foreign corporation, 5141.
 - in case of domestic corporation, 5142.
- reincorporation of existing corporations not necessary, 5143.

INDEX.

(References are to sections.)

BUILDING COMMISSION.

abolished, 283.

BUILDINGS.

defined, 9850, 9851.

destroying with explosives, how punished, 10061.

injury to farm, how punished, 10083-10087.

injuring public buildings, punishment, 9846.

grand larceny in, how punished, 9919.

fire regulations, 207, 208.

letting of, forbidden when,

for unlawful purposes, 9641.

for lottery, misdemeanor, 9672.

for gambling, misdemeanor, 9680.

for sale of intoxicating liquors prohibited, 10117.

— liability of owner of building used for sale of liquor, 10135.

power of city to regulate,

the thickness, strength and manner of constructing, 3599 (46).

the construction of fire-escapes, 3599 (46).

the inspection of, 3599 (46).

the limits in which wooden buildings may be erected, 3599 (47).

the removal of wooden buildings, 3599 (47).

the construction and repair of buildings, 3599 (48).

the use of light in, 3599 (50).

BULL.

See Animals.

BULLETINS.

to be issued by directors of public health laboratory, 1654.

to be issued by dairy commissioner, 2340.

BUOY.

removing from Missouri river, misdemeanor, 10073.

BUR-CLOVER.

as noxious weed, 2900.

BURDEN OF PROOF.

See Evidence, § 4.

BURGLARY.

in first degree, defined, 9868.

in second degree, defined, 9867.

— breaking inner door, 9870, 9871.

in third degree, defined, 9872, 9873.

in fourth degree, defined, 9874, 9875.

punishment for, 9876.

having burglar's implements in possession, misdemeanor, 9877.

unlawfully entering building, misdemeanor, 9878.

entry to building effected by use of explosives, punishment, 9879.

dwelling-house, defined, 9880.

night time, 9881.

jurisdiction of, 10509.

BURIAL.

as to record of, see Health, § 4.

See also Dead Bodies.

INDEX.

(References are to sections.)

BURIAL — (continued).

- of person dying from contagious diseases, regulations as to, 427.
- regulations in respect to, 427, 439.
- form of permit for, 444.
- body used for dissecting to be interred, when, 473, 9622.
- of dead limb or member of body, 9623.
- duty of, devolves on whom, 9624.
- neglect of, misdemeanor, 9625.
- unlawful interference with place of, 9629.
- lot used for, inalienable, 5098.
- right of, as easement, 5330, 5331.
- funeral expenses as a preferred claim against estate of decedents, 8725, 8728, 8755.
- of body of inmate of penitentiary or reform school, 11302.
- indigent soldiers and sailors, 3181-3185.
- manner of, of diseased cattle, 2697a.

BURNING.

- defined, 9853.
- See, generally, Arson.

BUSINESS.

- restraint of,
 - contracts void, 5928.
 - good will excepted, 5929.
 - exception in case of partnership, 5930.

BUSINESS DAY.

- defined, 7299.

BUSINESS RECORD.

- admissibility of, as evidence, 7909.

BUTCHER.

- defined, 9997.
- report to secretary of state, what to contain, 9997.
- penalty for failure to keep record of branded stock killed, 9997.
- must exhibit hides, when, 9998.

BUTTER.

- See Dairy Products.

BY-LAWS.

- of corporations, see Corporations, § 4.

BYSTANDER.

- arrest by, when made, 10571.

CALENDAR.

- of supreme court, 7345, 7346.
- of county court with increased jurisdiction, 8935.
- of district court, 7610.

CALF.

- selling of, under four weeks, prohibited, 10207-10209.
- See, generally, Animals.

CAMPAIGN EXPENSES.

- See Elections, § 21; Elections. Primary, § 1.

INDEX.

(References are to sections.)

CANADA THISTLE.

- as a noxious weed, 2817.
- sale of seeds containing, prohibited, 2900.

CANAL.

- duty of repair of, where highway is laid out across, 1034.

CANCELLATION OF INSTRUMENTS.

- cancellation of grant does not operate to retransfer title, 5499.
- grounds for cancellation of instruments, 7209.
- partial cancellation of instruments, 7210.
- of judgment, how made, 7701.
- of judgment against bankrupt, 7710-7712.
- of wills, how proved, 5661.
- by acceptance of bill of exchange, when allowed, 7099.

CANDIDATES.

- eligibility of, at primary election, 858.
- itemized statement of expenses to be filed, 924.

CANDY.

- adulteration of, prohibited, 9766.

CANNABIS INDICA.

- any product containing, must be labeled, 2942.

CANNERY.

- sanitation of, see Food, § 2.

CANVASSING BOARDS.

- of primary election, see Elections, Primary, § 5.
- of general election, see Elections, § 12.

CAPITOL.

- appropriation for maintenance of state capitol, 656.
- duty of trustees of public property to keep in repair, 656.
- north wing, provisions for building; bonds, 1797-1800.
- appropriation for, 1801.
- duty of capitol commissioners, 1802.
- trolley line to, authorized, 1804-1806.
- light and power plant authorized, 1805.
- appropriation for electric power and lighting plant, 1806.

CAR COMPANIES.

- within application of article regulating common carriers, 4708.
- as common carriers, see Common Carriers.

CARE.

- degrees of, 7280.
- degrees defined, 7281.
- presumption of exercise of ordinary, 7936.
- degree to be exercised,
 - by trustee, 6301.
 - by carrier of persons for reward, 6192.
 - by gratuitous carrier of persons, 6191.
 - by carrier of property, 6198.
 - by ship master, 5658.
 - by hirer, 6082.

INDEX.

(References are to sections.)

CARE — (*continued*).

- degree to be exercised — (*continued*).
 - by borrower for use, 6052.
 - by gratuitous depositary, 6029.
 - by depositary for hire, 6032.
 - by gratuitous employee, 6109, 6111.
 - by employee for own benefit, 6113.
 - by employee, 6123.
 - by employee for reward, 6112.

CAR EQUIPMENT COMPANIES.

- assessment of, 2144.

CARLISLE TABLES.

- of mortality as evidence, 7922.

CARRIERS.

§ 1. *In general.*

- defined, 4708, 6235.
- railroad defined, 4709, 4793.
- transportation defined, 4709.
- must accept and carry whatever offered, 6236.
- preference to United States and state, 6237.
- must start when and where, 6238.
- compensation; effect of refusal to pay, 6239.
- to make annual report, 4762.
- testimony in actions against, compulsory, 4797.
- insurable interest of, in another carrier, 6468.
- duty of railroad to maintain telephone connections; penalty, 4784, 4785.
- use of liquors on passenger trains, 10170-10173.
- inspection of books of railroads in aid of prohibition law, 10176.
- penalty for violation of law relative to transportation of bodies, 455.
- when guilty of embezzlement, 9932.
- pending litigation not affected by article relative to, 4764.
- carriage in general,
 - contract for carriage defined, 6185.
 - carriage classified, 6186.
 - classes of carriers defined, 6187.
 - carriers by sea, rights and duties of, prescribed by Congress, 6186.
 - carriers without reward, rights and duties of, 6189, 6190.
- limitation of obligation and liability,
 - obligation limited by special contract only, 6240.
 - stipulation limiting liability for negligence void, 4760, 6241.
 - right to modify obligation restricted, 6242.

§ 2. *Rates and charges.*

- charges to be reasonable, 4711.
- penalty for extortion and unjust discrimination of rates, 4712.
- examination of rates, 4713.
- but one terminal charge for switching or transferring, 4722.
- schedule of rates and fares, 4724.
- notice of change in schedule, 4725.
- no charge to be greater than schedule, 4726.
- schedules to be filed, 4727.
- commissioners to make and revise schedules, 4728.
- complaint of violation of schedule, 4729.
- hearing evidence on, 4730.
- decision on, 4731.
- extortion, penalty, 4753.

INDEX.

(References are to sections.)

CARRIERS — (continued).

stop-over rates on cars; penalty, 4770, 4771.
maximum coal rate established, 4781.
penalty for violation of act, 4782.
duty of attorney-general, 4783.
maximum rate for transportation of passengers, 4796.
of ferriage, 2064.

§ 3. *Discrimination.*

no preference or advantage to be given, 4718a.
what constitutes unjust discrimination, 4719.
long and short hauls, 4720.
freight pooling, 4721.
discrimination by, punishment, 4754.
discrimination as to quantity, 4755.
penalty for discrimination, 4756.
for forfeiture, 4757.
suits by commissioners, 4758.
free transportation and reduced rates, when lawful, 4759.
grain to be shipped without, 4765.

§ 4. *Free passes.*

prohibited, 4799.
penalty, 4800.
when free transportation and reduced rates lawful, 4759.
free carriage for railroad commissioner, 583.

§ 5. *Shipping facilities to be furnished.*

duty of railroad to furnish and transport cars, 4710.
carriers to furnish lined cars to grain and flour shippers, 4707.
distribution of cars, 4722.
construction of transfer facilities ordered by railroad commissioners, 4779.
failure of railroad company to comply with order, 4780.
ample facilities for transferring to be provided, 4706, 4714.
cars to be furnished and run without delay, 4715.
time schedule of trains, 4716.
penalty for false report or failure to bulletin trains, 4717.
continuous shipment of freight, 4718.
provisions for establishing public warehouses on right of way, 3118, 3125.
track to be maintained from elevator on railroad, how, 4766.
side track adjacent to coal mine, 4767.
penalty for violation of article, 4768.
railroad companies to build and maintain platforms, 4772-4774.
railroad company to construct Y, 4777.
delivery to connecting lines not business of Y, 4778.

§ 6. *Of persons.*

in general,
may make rules for carriage of passengers, 6249.
when company not liable for injury to passenger, 4637.
degree of care to be exercised by,
gratuitous carrier, 6191.
carrier for reward, 6192.
degree not affected by character of train, 4636.
running of trains,
train to be run every week day, 4633, 4789.
penalty, 4634.
trains to be run on regular time, 4635.
accommodations to be furnished, 4635.
penalty, 4636.
trains to be stopped at county seats, 4652.

INDEX.

(References are to sections.)

CARRIERS — (continued).

running of trains — (continued).

penalty, 4653.

speed of train on depot grounds, 4655.

duties of carriers as to vehicles,

to use safe vehicles, 6193.

not to over-load vehicles, 6194.

as to treatment of passengers, 6195.

as to speed maintained, 6196.

to provide sufficient vehicles, 6247.

must provide seats for passengers, 6248.

to disinfect public vehicles, 2957, 2959.

dustless sweeping required, 4664.

penalty, 4665.

not to permit use of public drinking cup, 2952-2954.

station houses,

when to be maintained, 4656.

penalty, 4657.

sanitary regulations for,

closets to be provided, 4660.

railroad commissioners authorized to inspect, 4661.

waiting room how and when cleaned, 4662.

penalty, 4663.

depot platforms,

lamps to be provided, 4658.

penalty, 4659.

ticket agents,

must obtain state license, 4675.

no ticket to be sold without license, 4676.

agent to exhibit license, 4678.

tickets,

redemption of; violation; penalty, 4679.

refusal to redeem; penalty, 4680.

penalty for fraudulent use of transfer, 4681.

discrimination in price; penalty, 4682.

fares,

when demandable, 6250.

ejection of passenger for failure to pay, 6251.

lien on luggage for, 6252.

luggage,

carriage of luggage, 6243.

luggage consists of what, 6244.

liability for luggage, 6245.

delivery of luggage, 6246.

lien on luggage for fare, 6252.

by vessel,

passengers landing from vessel before visit of health officer, prohibited, 9759.

passenger on ship board, power of master over, 6154.

§ 7. Of property.

in general,

definition of terms, 6197.

property in transit deemed where, for purpose of mortgages, 6760.

duty of agent to require tax receipt of emigrant movables, 2187.

freight trains to be run daily, 4789.

time within which to remove property from cars, 4769.

obligation of carrier,

degree of care to be exercised, 6198.

must comply with directions as to carriage, 6199, 6200.

INDEX.

(References are to sections.)

CARRIERS — (continued).

obligation of carrier — (continued).

manner of delivery, 6202.

— place of delivery in absence of usage, 6203.

duty of,

to give notice to consignee, 6204.

— when carrier becomes warehouseman, 6204.

to remove loaded cars from side track, 4786.

penalty, 4787.

carrier liable for loss, 4788.

in respect to oil imported into state, 3069.

liability,

exception to general liability, 6253, 6254.

liability for delay, 6255.

liability for goods, when terminated, 6205.

liability for carriage of intoxicating liquors, 10136.

unclaimed freight,

power of carrier to store, 3148.

— to sell, 6206.

when perishable property may be sold, 6207, 6208.

bill of lading,

defined, 6209.

negotiability, 6210.

— by delivery, 6211.

to be furnished by carrier, when, 6213.

obligation of carriers not altered by terms of bill of lading, 6212.

exoneration of carrier by delivery of property to holder, 6214.

when surrender may be required, 6215.

false signing on delivery, 9844.

to be canceled when, 10033.

destroying or suppressing, misdemeanor, when, 9723.

selling goods without consent of holder, how punished, 10032.

making of false or fraudulent, how punished, 9980, 10028.

freightage,

freightage to be paid in advance, when, 6216.

consignor liable for freight, when, 6217.

consignee liable for freight, when, 6218.

no freightage on increase of freight, 6219.

freightage apportioned, when, 6220-6222.

no extra freight for further haul, 6223.

lien for freightage, 6224, 6866.

demurrage,

for delay in shipment, 4790.

in case of delay in carload shipments, 4791.

in case of delay in carload shipments within the state, 4792.

definition of terms, 4793.

costs allowed in action for violation of law, 4794.

provisions of act cumulative, 4795.

marine carriers,

duties of, in general, 6201.

liability of marine carrier,

liability in general, 6256.

— perils of the sea, 6257.

liability limited as to valuables, 6258.

carrier exonerated by delivery to communicating carrier, 6259.

carrier exonerated when freight lost, how, 6260.

liability for service other than carriage, 6261.

INDEX.

(References are to sections.)

CARRIERS — (*continued*).

marine carriers — (*continued*).

jettison and general average,

when deck storage entitled to contribution, 6231.

rules relative to jettison applicable to all other voluntary sacrifices on ship board, 6232.

§ 8. *Of live stock.*

minimum speed to be maintained, 4801.

penalty for violation, 4802.

stipulation requiring notice of loss within less than thirty days, void, 6266.

carriage of Texas cattle,

when unlawful to bring into state, 2672.

liability of employees for violation of Texas cattle law, 2673.

for damages caused by Texas cattle, 2674.

§ 9. *Of messages.*

order of transmission of telegraph messages, 6263.

duty of carrier, generally, 6264.

to maintain sufficient equipment to transmit messages promptly, 6265.

to furnish proper blanks and forms, 6266.

as to transfer of message, 6267.

delivery of messages, 6233.

care to be exercised by carrier of messages, 6234.

damages for postponing, refusing or delaying messages, 6270.

duty of carriers of messages other than by telegraph, 6269.

penalty for violation of law, 6266a-6268.

§ 10. *Carriers by team.*

unlawful not to hitch passenger team, 2054.

liability of owner of passenger conveyance, 2054a.

§ 11. *Measure of damages.*

for carrier's failure to accept passengers, 7160.

for default as to transportation of passengers and freight, 7160.

for carrier's failure to accept freight, 7160.

for carrier's failure to deliver, 7161.

CATTLE.

See *Animals*.

CATTLE GUARDS.

See *Railroads*, § 13.

CATTLE WAYS.

construction and maintenance of, under highways, 2043-2045.

CAUCUS

See *Elections*, § 5.

CAUSE OF ACTION.

complaint must show, 7440.

joinder of, how stated, 7466.

misjoinder of, demurrer, 7442.

CEMETERIES.

§ 1. *In general.*

right to take land by eminent domain for, 8203.

establishment and regulation in cities under commission form of government, 3818 (35)

establishment and regulation of, in villages, 3861 (14).

as exempt from taxation, 2078.

lot in, exempt from execution, 7730.

INDEX.

(References are to sections.)

CEMETERIES — (continued).

defacing tomb, etc., punishment, 9633.
wounding or trapping birds in, how punished, 10058.
transfer of lots in, by religious corporations, mode, 5608.

§ 2. Corporations.

real estate held by cemetery corporations limited, 5091.
uses for which real estate may be held by cemetery corporations, 5091.
land held, to be surveyed and platted, 5092.
powers of cemetery corporations, in general, 5093.
proceeds from sale of lots, how applied, 5094.
debts to be paid from proceeds of sales, 5095.
members,
 lot owners as members, 5096.
 only lot owners entitled to vote, 5097.
lot after interment inalienable, 5098.
property of, wholly exempt, 5099.

CENSUS.

enumeration to be taken every ten years, 1889.
blanks for enumeration, furnished by secretary of state, 1890, 1891.
classification of inhabitants, 1893.
duties of secretary of state in relation to census, 1890, 1891, 1898.
enumeration,
 when and how made, 1893.
 duty of assessors to make, 1893, 1894.
 persons who are to be returned as residents, 1895.
 returns to be certified to by assessor, 1896.
 returns to be transmitted to secretary of state by assessor, 1897.
 result of enumeration to be sent to legislature by secretary of state, 1898.
 appointment of enumerator in case of assessor's failure or inability to serve, 1899.
 accounts of enumerators, how paid, 1900.
 fees for services, 1901.
 expenses, how paid, 1902.
city census, time for taking, 3599(66).
school census, 1195.
provisions for taking census of cities under commission form of government, 3818(61).
judicial notice of, 7938.

CEREALS.

experiment in, to be made by agricultural college, 1625.
appropriation for, 1625.

CERTIFICATE.

form of marriage certificate, 4363.
— issuance and return of, 4361.
— failure to return, misdemeanor, 9728.
of authority to act as abstractor, 3091, 3092.
of insurance agents, 4920.
to deposition, 7903.
officer delivering false, misdemeanor, 9440.
evidence of indebtedness issued by counties and townships to bear certificates stating that they are within the debt limit, 3491.

CERTIFICATE OF DEPOSIT.

title by transfer before or after dishonor, equal, 7135.

CERTIFICATE OF ELECTION.

See Elections, § 13.

INDEX.

(References are to sections.)

CERTIORARI.

original jurisdiction of supreme court to issue writ of, **7330**,
parties to, 8443.
judgment, motion and order in, defined, **8444**.
when and by whom granted, 8445.
how application made, 8446.
to whom directed, 8447.
requisites of writ, 8448.
to officer whose term has expired, **8449**.
stay of proceedings, 8450.
proof permitted in case officer dies, **8451**.
writ, how served, 8452.
extent of review, 8453.
return of writ and hearing, 8454.
judgment sent below, 8455.
judgment roll, 8456.
what writs issued in vacation, **8474**.
rules and practice, 8475.
new trials and appeals, 8476.

CHALLENGE.

to jury, see **Jury, § 2; Criminal Procedure, § 11**.
to grand juror, see **Criminal Procedure, § 6**.
in election matters, see **Elections, § 10**.
to duel, see **Duel**.

CHAMPERTY AND MAINTENANCE.

provisions relative to, 9412-9418.

CHANGE OF NAMES.

court authorized to change, 8496.
contents of petition, 8497.
petition for change of name of town, village or city, **8498**.
costs, 8499.
pending action not to be effected, 8499.

CHANGE OF VENUE.

See **Trial, § 6**.

CHAPLAIN.

of penitentiary, 11211.

CHARGE TO JURY.

See **Trial, § 9**.
in criminal cases, see **Criminal Procedure**.

CHARITABLE CORPORATIONS.

how formed, 5005.
annual report, 5006.
may acquire and sell property, 5007.
provisions of by-laws, 5009.
subsequent members. rights of, 5010.
membership rights personal, 5011.
real estate holdings limited, 4503.
as exempt from taxation, 2078.

CHARITABLE INSTITUTION.

under management of state board of control, **243**.

INDEX.

(References are to sections.)

CHARITY.

works of, not Sabbath breaking, 9236.
obtaining money under false pretense for, 9969.

CHARTER.

filing, fees for, 5026.
of fraternal associations, where filed, 5026.

CHARTER PARTY.

See Ships and Shipping.

CHATTEL INTEREST.

defined, 5308.

CHATTEL MORTGAGE.

See Mortgages, § 2.

CHATTELS.

subject to lien, removing, concealing or disposing of, penalty, 10248.

CHATTELS, REAL.

defined, 5308.

CHECK.

See Negotiable Instruments.

CHEESE.

See Dairy Products.

CHEESE FACTORY.

sanitation of, see Food, § 2.

CHEMICAL TEST.

of oil, 3066.
brand to be stamped on container, 3068.

CHICORY.

as noxious weed, 2900.

CHIEF CLERK OF HOUSE.

See Legislative Assembly, § 4.

CHIEF JUSTICE OF SUPREME COURT.

See Courts, Supreme, § 3.

CHIEF OF POLICE.

in cities, see Cities, § 17.
removal by governor, 685.

CHILD LABOR.

employment of children under fourteen years, forbidden in any business during certain hours, 1404.
employment of children under fourteen years, forbidden in certain occupations, 1404.
employment of children under sixteen years, employment certificates required, when, 1405.
duty to furnish evidence that child is lawfully employed upon demand of school officers, 1405.
failure to produce such evidence prima facie evidence that child is under sixteen, 1405.

INDEX.

(References are to sections.)

CHILD LABOR — (continued.)

- employment certificates,
 - employment certificates to be issued by school officers, 1406.
 - showing necessity for certificates to be issued by school officers, 1406.
 - contents of certificates, 1408.
- hours of labor, 1410, 10246.
- complaints for violation of law, by whom made, 1411.
- establishments employing children to be inspected by peace officers, 1411.
- particular employments forbidden, 1412.
- penalty for violation of statute prohibiting child labor, 1413.
- prosecution for violation of child labor laws, how brought, 1414.

CHILDREN.

- See Infants; Parent and Child; Afterborn Children; Apprentices; Illegitimacy; Adoption; Master and Servant.

CHILDREN, ILLEGITIMATE.

- See Illegitimacy.

CHILDREN, UNBORN.

- See Afterborn Children.

CHIMNEY.

- power of cities to provide for their construction, repair and removal, 3599 (48).
- regulations as to, in cities under commission form of government, 3818 (14).

CHLORAL HYDRATE.

- any product containing, must be labeled, 2942.

CHLOROFORM.

- any product containing, must be labeled, 2942.

CHROME YELLOW.

- use of, in candies prohibited, 2880.

CHURCHES.

- as exempt from taxation, 2078.
- right of seat in, as easement, 5330, 5331.
- doors to swing outward, 2995.
- width of doors in, 2995.
- injuring, how punished, 10060.

CHUTES.

- right to take property by eminent domain for, 8203.

CIDER.

- defined, 10157.
- hard cider defined, 10105.

CIGARETTES.

- regulations relative to use and sale of, 9799, 9803.
- manufacture, sale and giving away of, or of paper for prohibited, 10184, 10185.

CISTERN.

- power of cities to regulate the construction, repair and use of, 3599 (42), 3818 (35).

CITATION.

- citation issued by county court, see Courts, County, § 5.

INDEX.

(References are to sections.)

CITIES.

- as to commission form of government for cities, see that title
- as to waterworks, see Waters, § 6.
- as to streets and highways, see Highways.
- as to elections in cities, see Elections, § 18.
- as to city taxes, see Taxes, § 17.
- as to city justice of the peace, see Justice of the Peace, § 12.
- as to free libraries, see Libraries.

§ 1. *In general.*

- official newspaper of the city, how designated, 3598.
- what cities to be governed by registration statute, 1104.
- location of hospitals regulated, 2812.
- to constitute independent poor relief districts, when, 2528.
- county commissioners to levy taxes in, when, 2260.
- property of city exempt from taxation and sale on execution, 3758.
- insurance tax for fire department, 3993-3998.
- firemen's relief association pension funds, 3999-4006.
- telephone line right of in, how granted, 5144.
- electric railway right of way in, how granted, 5145.
- arrests, right of sheriff and constables to make arrests authorized to be made by city officers, 3606.

§ 2. *Incorporation and organization.*

- provisions for incorporation of cities, 3552.
- elections to pass upon the question of having the city incorporated, 3552.
 - notice of election, 3553.
 - form of ballots, 3554.
- incorporation proceedings legalized, 3555.
- provisions for organization of unorganized territory to an incorporated city, 3556.
- organization of cities in territory embracing more than one county, 3564a.
- recording of proceedings for the organization of cities, 3563.
- cities organized under general statute as bodies politic and corporate, 3561.
- judicial notice of organization of cities, 3560.
- effect upon special charter of organization under general statute, 3559.
- effect of change of organization upon property rights, causes of action and prosecutions, 3562.
- effect of change of organization upon existing ordinances and resolutions, 3564.
- change of organization, election of officers, term of office, 3557-3558.
- as to adoption of commission form of government, see Commission Form of Government for Cities, § 1.

§ 3. *Cities embracing territory in more than one county.*

- provisions of organization and incorporation, 3564a.
- chapter 30 of the Political Code applicable to the organization, powers and duties of its officers, 3564b.
- appointment of assessors, 3564b.
- assessment, levy and collection of taxes, 3564d.
- city auditor's report to the county auditors, 3564d.

§ 3a. *Corporate limits.*

- power to extend, 3750.
- procedure for extension of, 3751-3756.
- procedure for changing, 3968-3973.

§ 4. *Wards.*

- power of cities to redistrict city into wards, 3599 (76).
- procedure for changing, 3980-3984.

§ 5. *City plats.*

- provisions for making and recording, 3942, 3958.
- procedure and method of correcting, assessment for expenses, 3967.
- power of the district court to correct errors, 3762-3765.

INDEX.

(References are to sections.)

CITIES — (continued).

vacation,

by district courts, 3959-3961.

by written declaration of proprietor, 3962-3966.

§ 6. Powers and duties.

of cities under commission form of government, see **Commission Form of Government for Cities, § 2.**

to make improvements, see § 21, *infra*.

to create improvement districts, see § 22, *infra*.

to improve public places, 3702.

as to planting trees, 3599 (8), 3702.

as to establishing, and improving and vacating parks and public grounds, 3599 (7).

as to use of parks and public grounds, 3599 (9).

as to establishing, improving and vacating wharves, 3599 (7).

as to the erection and care of public buildings, 3599 (67).

as to city census, 3599 (66).

to re-district the city into wards, 3599 (76).

as to levy and collection of taxes, 3599 (3).

as to appropriation of city funds, 3599 (2).

as to payment of debts of the corporation, 3599 (2).

as to the finances and property of the corporation, 3599 (1).

as to incurring indebtedness, and issuing bonds, 3599 (5) (6).

as to issuing rescinding bonds, 3599 (6).

as to awarding contracts for city supplies, 3599 (73).

as to supplies needed for the use of the city, 3599 (73).

as to the business of plumbing, 3599 (34).

as to city jail and work house, 3599 (52).

as to use of the county jail, 3599 (53).

as to markets and market-houses and municipal slaughter houses, 3599 (35).

as to the sale of meat, vegetables and other provisions, 3599 (36).

as to establishing city scales, and require their use by dealers, 3599 (39).

as to the inspection and sealing of weights and measures, 3599 (40) (41).

as to the sale and weight of a loaf of bread, 3599 (37).

as to the inspection, weighing and measuring of articles of merchandise, 3599 (39).

as to the inspection of dairy premises, 3599 (38).

as to the sale and inspection of milk, 3599 (36).

as to the inspection of meat, vegetables and other provisions, 3599 (38).

as to the inspection of steam boilers, 3599 (51).

as to intoxication, fighting and all disorderly conduct, 3599 (44).

to require persons convicted of violations of city ordinances to labor, 3604.

to impose penalties or forfeitures for violation of city ordinances, 3599 (78).

to restrain and punish vagrants and prostitutes, 3599 (56).

as to riots, noises and disorderly assemblies, 3599 (54).

to prohibit and punish cruelty to animals, 3599 (55).

as to animals running at large, 3599 (61) (62).

as to dogs running at large, 3599 (62).

as to summary destruction of dogs, 3599 (62).

as to the erection of wooden buildings, 3599 (47).

as to the construction of fire escapes, 3599 (46).

to provide fire apparatus, 3599 (49) (75), 3990.

as to the construction and inspection of buildings, 3599 (46).

as to condemnation of property belonging to railroad companies, 3599 (68).

as to the sale of explosives, 3599 (50).

as to the use of fire arms, 3599 (50).

as to the building of bonfires, 3599 (50).

as to chimneys, stovepipes and boilers, 3599 (48).

as to storing of lumber and other combustible material within fire limits, 3599 (72).

INDEX.

(References are to sections.)

CITIES — (continued).

- as to the issuance and revocation of licenses, 3599 (4) (30).
- to tax, license and regulate lumber yards, public scales, auctioneers, money changers and brokers, 3599 (70).
- as to ticket scalpers and employment agents, 3599 (30).
- as to partition fences and party walls, 3599 (45).
- as to the deposit of ashes, 3599 (48).
- as to the depositing of ashes, garbage or other offensive matter, 3599 (15).
- as to hospitals, 3599 (58).
- as to health regulations, 3599 (58) (59).
- as to cemeteries, 3599 (60).
- as to the numbering of houses and lots, 3599 (22).
- as to establishing, improving and vacating streets, alleys and sidewalks, 3599 (7).
- as to naming of streets, alleys or other public places, 3599 (23).
- as to traffic and sales upon streets, sidewalks and public places, 3599 (20).
- as to crosswalks, curbs and gutters, 3599 (16).
- as to requiring owner or occupant to keep the sidewalks free from snow or other obstruction, 3599 (14).
- as to cleaning the streets, sidewalks and public grounds, 3599 (12).
- as to the use of sidewalks and all structures under, 3599 (14).
- as to playing ball and other amusements on streets, 3599 (71).
- as to the speed of horses, vehicles and trains, 3599 (21).
- as to construction of street railway tracks, 3599 (24).
- as to railroad tracks in streets, 3599 (69).
- as to construction and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters, 3599 (42).
- as to culverts, drains and sewers, 3599 (29).
- as to the laying of gas and water pipes, 3599 (13).
- as to gas works for municipal and commercial purposes, 3599 (75).
- as to electric light and power plant for municipal and commercial purposes, 3599 (75).
- as to erection of gas and electric lights, 3599 (13).
- as to lighting of streets and public grounds, 3599 (11).
- as to furnishing lights to the inhabitants of the city, 3599 (11).
- as to building and repairing of sewers and drains, 3599 (13).
- as to the manner of making connections with sewers and water mains, 3599 (34).
- to require railroad companies to erect and keep in repair drains, sewers and culverts, 3599 (27).
- to require railroad companies to raise or lower their tracks, 3599 (27).
- as to railroad fences, cattle guards and street crossings, 3599 (26).
- to require railroad companies to keep flagmen at street crossings, 3599 (27).
- as to the location, grade and crossing of railroads, 3599 (25).
- as to the flying of flags, banners or signs, 3599 (19).
- as to the exhibition or carrying of banners, advertisements or hand bills, 3599 (18).
- as to the posting of hand bills and advertisements, 3599 (17).
- as to obstructions and encroachments upon highways and public grounds, 3599 (10).
- as to telephone and telephone lines for municipal and commercial purposes, 3599 (75).
- as to signs, awnings, telegraph and telephone poles, 3599 (17).
- as to extension of streets and sewers across railroad tracks, 3599 (68).
- as to bridges, viaducts and tunnels, 3599 (28).
- as to nuisances, 3599 (57).
- as to offensive or unhealthy business or establishment beyond the city limits, 3599 (64).
- as to regulation of packing houses, renderies, bone factories, slaughter-houses, soap factories, foundries, livery stables and blacksmith shops, 3599 (63).
- as to keepers of ordinaries, theatricals and other exhibitions, 3599 (30).
- as to draymen and others pursuing like occupations, 3599 (31).
- as to runners for stages, cars and public houses, 3599 (32).
- as to billiards and other tables used for similar purpose, 3599 (33).

INDEX.

(References are to sections.)

CITIES — (continued).

- as to hawkers, peddlers, pawnbrokers, 3599 (30).
- as to astrologers and persons practicing palmistry, mesmerism, clairvoyancy and spiritualism, 3599 (30).
- as to places of amusement, 3599 (43).
- as to second hand and junk stores, 3599 (74).

§ 7. City council.

See also Aldermen, *infra*, § 11.

as to board of commissioners of cities under commission form of government, see Commission Form of Government for Cities, § 9.

officers,

president,

election, term of office, 3590.

powers and duties, in general, 3590.

vice-president,

election, term of office, 3590.

powers and duties, 3590.

powers,

See, also, Powers and duties of cities, *supra*, § 6.

in general, enumerated, 3599.

authority to exercise the same powers as are conferred upon townships by chapter 50, 4272.

to establish rules of procedure, 3587.

to judge of the election and qualification of its members, 3586.

to compel attendance of absent members and impose penalty, 3588.

to punish its members for disorderly conduct, 3587.

to expel its members, 3587.

to provide by ordinance the details necessary for full exercise of its powers, 3600.

to fine and impose additional duties upon city officers, 3601.

jurisdiction for purpose of enforcing health and quarantine ordinances and regulations, 3595.

to regulate rates for public service or utility, 3607-3609.

with reference to submission of question of issuance of bonds, 4015.

to install special street lighting system, 3744.

as to establishment of free libraries, 4007.

as to establishment of sewer system, 3697.

to regulate connections with sewers and other mains, 3740.

prescribe width of sidewalks and the kind and quality of material to be used in their construction, 3689.

to establish grade for streets, alleys and sidewalks, 3687.

over highways in cities, 2035.

as to grades and improvements upon highways adjoining city, 2036.

powers of township authorities over highways conferred on city officials, 2035.

duties,

to keep a record of its proceedings, 3591.

to designate a newspaper published in the city as the official newspaper of the city, 3598.

as to examination of records of city officers, 3543.

when voters have decided to change organization of city, 3557.

as to the preservation of school property, 1314.

as to the preservation of section corner monuments in incorporated cities, 4286-4290.

as to improvement of roads leading to cities, 3747-3749.

as to making estimates of cost of improvement upon the laying out or improving streets, 3685.

to provide for inspection of milk and dairy herds, 2860.

as to appointment of assessor, 3642.

INDEX.

(References are to sections.)

CITIES — (continued).

ex officio members of board of equalization, 3643.
members,
 number, 3582.
 grounds for removal from office, 3587.
organization, time for, 3589.
meetings,
 time for holding regular meetings, 3589.
 to be open to the public, 3591.
 mayor as the presiding officer, 3560.
 right of mayor to cast deciding vote in case of a tie, 3569.
 reconsideration of vote, 3593.
quorum, 3588.
reports of committees, time for action upon, 3594.
records of all proceedings to be kept by city auditor, 3624.
 to act as overseer of the poor, when, 2527.
 time for making tax levy and fixing rate of taxation, 4045.
 as to levying annual tax to pay interest on refunding bonds and provide a sinking fund for their payment, 4023.

§ 8. Ordinances.

of cities under commission form of government, see **Commission Form of Government for Cities, § 11.**
procedure for passing ordinances, 3596.
form of enactment clause, 3596.
passage of, number of votes required for various kinds of ordinances, 3592.
veto, 3596.
power of mayor to sign or veto, 3579.
amendment and revision of city ordinances, 3578.
compensation of persons making revision, 3578.
record of city ordinances, how and by whom kept, 3596.
 as evidence, 3596.
publication by posting in cities where there are no newspapers, 3597.
to be published in pamphlet or book form, 3578.
procured in actions for violation of city ordinances, 3602, 3604.
recovery or acquittal for violation of, as *res judicata*, 3602.
punishment for violation, 3604.
fines and forfeitures for violation of ordinances to whom paid, 3603.
fine, penalty and forfeiture collected within the city, to whom paid, 3759.
enforcement of health and quarantine ordinances and regulations, jurisdiction, 3595.
effect of change of organization of the city, 3564.
ordinances relating to public improvements validated, 3766.

§ 9. Officers, in general.

of cities under commission form of government, see **Commission Form of Government for Cities, § 3.**
as to city justice of the peace, see **Justice of the Peace, § 12.**
appointive officers,
 enumerated, 3612, 3613.
 qualifications, 3617.
 certificate of appointment, 3616.
 term of office, 3614.
elective officers,
 enumerated, 3610.
 qualifications, 3617.
 commissions, 3616.
when term of office commences, 3674.
qualifications,
 in general, 3617.

INDEX.

(References are to sections.)

CITIES — (continued).

qualifications — (continued).

incompatibility of city offices, 3619.

deputy officers must be residents and citizens, 705.

oaths, form of, 3615.

bond, 3615.

compensation of certain city officers not to be diminished during term, 3622.

duties,

as to delivery of property and books to his successor in office, penalty, 3616.

power of city council to impose additional duties upon city officers, 3601.

liability,

for contracting indebtedness in excess of the amount authorized by law, 4043.

penalty for failure to make official reports, 3542.

vacancy,

removal from the city or ward from which he is elected, 3675.

refusal or neglect to enter upon the discharge of the duties of the office, 3675.

grounds for removal, 3577.

§ 10. Mayor.

as to commissioners of cities under commission form of government, see Commission Form of Government for Cities, § 8.

ex officio member of,

board of review, 2133.

board of equalization, 3643.

city council, 3581.

appointments to be made by,

in general, 3612.

policemen, 3580.

city board of health, 411.

to fill vacancy in the office of city treasurer, 3631.

members of special assessment commission, 3724.

to fill vacancies in office of police magistrate or city justice of the peace, 3658.

election, term of office, 3610-3611.

qualifications, term of office, 3565.

compensation, 3620.

powers,

to administer oaths, 3623.

to take acknowledgment within limits of city, 5564.

to suppress disorder and keep the peace, 3571.

to call upon inhabitants to aid in enforcing the law and ordinances, 3576.

to call out the militia to aid in suppressing riot and disorderly conduct, 3576.

to release persons in prisons for violation of city ordinances, 3572.

to remove city officers, 3570.

to sign or veto ordinances and resolutions passed by city council, 3579, 3596.

as to revision and amendment of city ordinances, 3578.

as to examination and inspection of records and papers of agents, employees or officers of the city, 3574.

to hold other city office during his term as mayor, 3619.

duties,

to see that city ordinances are enforced, 3573.

to give the city council information relative to the affairs of the city and recommend measures, 3575.

as to presiding at meetings of city council and voting in case of a tie, 3569.

to report the removal of an officer to the city council, 3570.

to report fires to fire marshal department, 204.

to sign all contracts and conveyances executed on part of city, 3757.

to sign all city bonds, 3757.

when voters have decided to change organization of the city, 3557.

INDEX.

(References are to sections.)

CITIES — (continued).

duties — (continued).

as to enforcement of prohibition, 10107.

as to violation of chapter relative to government licenses, 10152.

liability,

penalty for omission of duty and wilful misconduct, 3577.

vacancy,

grounds for removal from office, 3577.

by removal from the city, 3568.

how filled, 3566, 3567.

removal by governor, 685.

§ 11. Aldermen.

as to commissioners of cities under commission form of government, see **Commission Form of Government for Cities, § 8.**

number to be elected, 3582, 3610.

term of office, 3583, 3611.

qualifications, 3585.

compensation, 3621.

vacancy,

grounds for removal from office, 3587.

how filled, 3584.

duties,

as to examination of records of city officers, 3543.

senior alderman,

as inspector of election, 951.

selection of election inspector by lot, 951.

as member of board of review, 2133.

§ 12. City auditor.

of cities under commission form of government, see **Commission Form of Government for Cities, § 4.**

ex officio member of,

board of equalization, 3643.

board of review, 2133.

appointment, 3612.

disqualified to hold any other city office during his term of office, 3619.

powers,

to administer oaths and affirmations, 833, 3623, 4196.

to take acknowledgments, 4196.

duties,

in general enumerated, 3626.

keep the corporate seal and all records and papers of the city, 3624.

attend meetings of the city council and keep a record of the proceedings, 3624.

report to city council, 3625.

as to presentation to city council of all claims filed against the city, 3624.

draw and countersign all orders on treasury, 3624.

keep a record of all ordinances enacted by city council, 3596.

countersign all city bonds, contracts and conveyances, 3757.

to keep a record of all bonds issued by the city, 3757.

as to delivery of assessment roll to county auditor, 3646.

keep a record of proceedings of board of equalization, 3643.

notify all persons of election or appointment to office, 3672.

auditor to post notice of meeting for drawing names of jurors, 819.

to prepare primary election ballots, 895.

to keep a complete record of all proceedings of public improvements, 3738.

as to advertising for the construction of sidewalk, 3692.

as to advertising for bids for repair of sidewalks, 3693.

as to special assessment for the erection or repair of sidewalks, 3694.

as to special assessment for removing snow and ice from sidewalk, 3696.

INDEX.

(References are to sections.)

CITIES — (continued).

duties — (continued).

notify special assessment commission of completion and cost of public improvements to be paid by special assessment, 3725.

assist and advise city special assessment commission, 3724.

as to publication of notice of assessment list fixed by assessment commission, 3727.

certify to county auditor the amount of special assessments, 3729.

papers and transcripts of records certified by city auditor as evidence, 3624.

§ 13. *City treasurer.*

of cities under commission form of government, see **Commission Form of Government for Cities, § 5.**

ex officio treasurer of,

park district, 4058.

independent school district, 1304.

election, term of office, 3610-3611.

salary, 4048.

how determined, 3631.

bond, 3615.

additional bond, 3639.

duty to furnish state bond, 193.

disqualified to hold any other office during his term, 3619.

custodian of fines for violation of ordinances and moneys collected for licenses, 6603.

speculation in office, punishment, 10187.

duties,

in general, enumerated, 3631.

to collect forfeits, 8022.

not to use city fund, penalty, 3636.

to keep separate account of each city fund, 3644.

as to keeping record of refunding bonds issued by city, 4022.

as to money received from special assessments, 3638.

as to disbursement of city funds, 3632.

give duplicate receipts, 3645.

as to paying warrants, 3633.

order of payment of warrants, 3352-3354.

registration of warrants, 3352-3354.

to keep warrant register, form of, 3351.

keep a register of all warrants redeemed and paid, 3637.

as to payment of warrants on special assessment funds, 3711.

as to payment of warrants for assessments for the erection or repair of sidewalks, 3695.

as to payment of coupons and principal of city refunding bonds, 4024.

as to payment of city and school taxes collected by him, 3682.

report to city council of all receipts and expenditures, 3637.

annual report to school board, 1311.

vacancy,

failure to give additional bond when required, 3640.

conviction of using city funds, 3636.

to be filled by appointment, 3631.

§ 14. *City clerk.*

powers,

administer oaths, 833, 4196.

take acknowledgment of instruments. 4196.

duties,

make changes in the assessment list upon the change of the boundaries of wards, 3983.

report to the state auditor regarding fire department, 3993.

keep record of board of review. 2133.

post notice of meeting to draw names of jurors, 819.

INDEX

(References are to sections.)

CITIES — (continued).

§ 15. *City engineer.*

appointment, 3612.

qualification, 3663.

duties,

in general, enumerated, 3663.

personally supervise and inspect work on public improvements, 3709.

assist and advise city special assessment commission, 3724.

compensation to be fixed by the city council, 3663.

fees for furnishing copies of plans and specifications of public improvements, 3703.

§ 16. *City attorney.*

of cities under commission form of government, see *Commission Form of Government*
for Cities, § 6.

appointment, 3612.

duties,

in general, enumerated, 3630.

advise and assist city special assessment commission, 3724.

as to revising of city ordinances, compensation, 3578.

§ 17. *Police officers.*

in cities under commission form of government, see *Commission Form of Government*
for Cities, § 7.

organization of, under special statutes, 10426.

appointment, number of, 3580.

chief of police,

appointment, 3580.

fees, for making arrest outside of the city limits, 3665.

powers,

in general, enumerated, 3664.

duties,

in general, enumerated, 3664.

as to service of warrants and process, 3664.

to arrest without warrant, when, 10057.

to attend public meetings, 10427.

as to enforcement of prohibition law, 10107.

as to prize fight, 9820, 9821.

to enforce snuff law, 10182.

as to false and misleading advertising, 9990.

§ 18. *Police magistrate.*

election, term of office, 3610-3611.

bond, 3622.

compensation, 3622.

court to be kept open on all week days, 3654.

office hours of magistrate, 3662.

proceedings governed by law regulating proceedings in justices' court in criminal cases,
3661.

arrest of persons committing offense in presence of, 10572.

profanity in presence of, summary conviction, 9227.

warrants to run to whom, 3665.

fees authorized to be collected by, 3622.

jurisdiction, 3605, 3647, 10402.

of actions for violation of rules and regulations of the board of park commission,
4061.

powers,

to punish for contempt, 3660.

authority to remit fines or penalties, 3656.

on Sundays and holidays, 7338.

to issue subpoenas, 11024.

INDEX.

(References are to sections.)

CITIES — (continued).

duties,

- to issue warrants, 3648, 10535.
- in proceedings for security to keep the peace, 10410.
- to arrest without warrant, 10057.
- upon complaint in criminal matters against corporations, 11078.
- as to investigation of violation of prohibition law, 10116.
- as to enforcement of prohibition law, 10107.
- as to violation of chapter relative to government licenses, 10152.
- to summon witness, and enforce their attendance, 3651.
- where it appears that prosecution was malicious, 3659.
- as to disposition of fines and penalties, 3647.

process,

- who may serve process made by city officer, 3606.

trial,

- how governed, 3652.
- time for holding, 3649.
- postponement, 3650.
- jury trial, procedure, 3660.
 - fees of jurors, 3660.
- judgment of conviction, how rendered, 3653.
- appeals to the district court, 3655, 3660.
- vacancies,
 - how filled, 3658.

§ 19. *Contracts.*

- for public improvements, see *infra*, § 21.
- not to be made prior to appropriation of funds, exception, 3679.
- to be signed by mayor and countersigned by city auditor, 3757, 3626.
- city officers not to be interested in contract for the purchase or sale of property by the city, 3618.
- penalty for city officer being interested in contract executed in behalf of city, 3760.
- conveyances,
 - to be signed by mayor and countersigned by city auditor, 3757.
 - term of lease from, limited, 5289.

§ 20. *Eminent domain.*

- right of city to take property by, 8203.
 - for highways or other public places, 3686, 3985.
 - for extending highways or sewers across railroad property, 3599 (63).
 - for the establishment of sewer system, 3697.
- special term of court to try proceedings, 3737.
- appeals, procedure, 3737.
- right to vacate judgment in condemnation proceedings, 3737.

§ 21. *Public improvements.*

- See also Special Assessments, *infra*, § 23; Special Assessment Commission, *infra*, § 24; Improvement Districts, *infra*, § 22.
- provisions for the making of public improvements and assessments therefor in cities
 - not organized under a general law, 4052, 4053.
- power of city to make, in general, 3702, 3599.
- resolution declaring work necessary, notice by publication, 3704.
- protest by property owners liable to special assessment, 3704.
- consent of property owners by failure to file protest, 3704.
- one-fifth cost may be paid by general taxation, in certain cases, 3723.
- plans, specifications and estimates, 3703.
- records kept by city auditor to be admitted in evidence without further proof, 3738.
- duty of city engineer to supervise and inspect work, 3709.
- bids,
 - advertisement for bids, award of contract, 3704, 3705.
 - form of bids, 3706.

INDEX.

(References are to sections.)

CITIES — (continued).

bids — (continued).

to be accompanied with bonds, 3707.

power of city council or commission to reject bids and have work performed by the city, 3703.

contract,

form of contract, manner of execution, 3709.

manner of letting contract for the construction of sidewalks, 3692.

for the connection of service pipes with sewers, water mains, etc., 3740.

contractors,

as to contractor's bond, see Bonds, Official, § 16.

how paid, 3710.

armory,

as to erection of, by cities, 4016-4018.

gymnasium,

as to erection of, 4016-4018.

playground,

as to establishment of, 4016-4018.

public auditorium,

as to erection of, 4016-4018.

public baths,

as to erection of, 4016-4018.

location, alteration or discontinuance of highway on line of, 2046.

methods for choosing kind of paving material, 3704.

special street lighting system,

procedure to install, assessment for cost, 3744-3746.

sidewalks,

general powers of city over, 3599 (7) (14) (17) (20).

provisions for sidewalks in cities under commission form of government, 3818 (8).

power of city council to establish grade, 3687.

width to be prescribed by city council, 3689.

material to be used in the construction of sidewalks, 3689.

notice to abutting owner to build or repair, 3690.

building or repair by city at the expense of adjoining owner, 3691.

manner of letting contract for the construction of sidewalks by the city, 3692.

manner of letting contract for the repair of sidewalks, 3693.

special assessments for the construction or repair of sidewalks by the city, 3694.

"sidewalk special fund," 3695.

special assessment for removing snow and ice from sidewalk, 3696.

vacation of public grounds, streets or alleys, procedure, appeal, 3688.

validating statutes,

ordinances relating to public improvements validated, 3766.

legalizing contracts and obligations incurred for public improvements which have been completed, 3767.

§ 22. Improvement districts.

power of city to create, 3698, 3701.

sewer district, 3690.

paving districts, 3700.

water main and water works districts, 3701.

§ 23. Special assessments for public improvements.

how made, 3726.

procedure for review, 3726.

appeal from assessment fixed by assessment commission procedure, 3727, 3728.

special assessment record to be kept by county auditor, 3729.

for sidewalks and street improvements in general, 4042.

when payable, 3720.

sidewalk special assessment warrants, 3695.

for costs of correcting city plats, 3367.

INDEX.

(References are to sections.)

CITIES — (continued).

- for connections with sewers and water mains upon improvement of street, 3740.
- not invalidated by reason of errors or omission where no substantial injury has been done, 3714.
- reassessment where original assessment was declared void or set aside, 3713.
- power of city council to levy additional assessment in case of error and mistake, 3712.
- collection,
 - by county treasurer, 3729.
 - by suit where assessment cannot be enforced against the property, 3721.
- interest on assessments, 3717-3720.
 - penalty and interest, for failure to pay, 3732.
- payment,
 - when due and payable,
 - in general,
 - for opening, widening, grading or extending streets, 3720.
 - sidewalk assessments, 3720.
 - paving assessment, 3719.
 - water main assessments, 3718.
 - sewer assessments, 3717.
 - right of property owners to pay assessments, 3731.
 - payment by matured special assessment warrants or interest coupons, 3730.
- actions to set aside assessments,
 - time for bringing action to test validity, 3770.
 - courts to determine the amount of assessment due, 3768.
 - duty of court to render judgment for the proper amount due, 3715.
- lien of, 3769.
 - as between vendor and vendee, 3743.
- sale of property to satisfy special assessment,
 - procedure, 3733.
 - right of city to purchase property, 3735.
 - form of deed, 3733.
 - deed to city for lands not redeemed from sale, 3736.
- redemption of property sold to satisfy special assessment, 3734.
- special assessment funds,
 - provisions for, 3711.
 - warrants, how paid, 3711.
 - right to use unexpended funds for repairs, 3716.
 - special tax to pay for improvements where there is a deficiency, 3716.
- legalizing statute, 3743a, 3743b.
- § 24. *Special assessment commission.*
 - appointment, term of office, compensation, 3724.
 - removal from office, 3724.
 - manner of making special assessments, review, 3726.
 - notice of assessment list to be given by publication, 3727.
 - appeal from assessments, procedure, 3727, 3728.
 - city auditor to notify commission of completion of public improvement and furnish the items of total cost to be paid by special assessment, 3725.
 - duty of city engineer, city auditor and city attorney to furnish information, advice or assistance, 3724.
- § 25. *Parks.*
 - procedure of establishing, 4055, 4056.
 - right to acquire land for park purposes by gift or devise, 4054.
 - park districts,
 - how created, 4056.
 - powers,
 - in general, enumerated, 4057.
 - city treasurer ex officio treasurer of park district, 4058.

INDEX.

(References are to sections.)

CITIES — (continued).

park districts — (continued).

park commissioners,

election, 4058.

qualification, 4058.

term of office, 4058.

compensation, 4058.

powers and duties in general enumerated, 4059, 4060.

to be governed by general law, 4062.

meetings, time of holding, 4060.

vacancy, how created and how filled, 4058.

causes of action for violation of rules and regulations to be tried before police magistrates of the city, 4061.

§ 26. Finances.

as to special assessment funds, see *supra*, § 23.

in cities under commission form of government, see Commission Form of Government for Cities, § 17.

fiscal year, 3676.

accounts,

to be kept by city auditor, 3626.

city treasurer to keep separate account of each city fund, 3644.

city funds,

how apportioned, 3683.

annual appropriations for general expenses, how made, 3677.

special appropriations for improvements, how made, 3676.

contingent fund, how made up, 3683.

moneys collected for licenses to be paid into the city treasury, 3603.

disposition of money received for license and occupation taxes, and fines, 3333.

appropriations for free libraries, 4013.

warrants,

how made, 3632.

how paid, 3633.

upon special assessment fund, how paid, 3711.

bear interest, when, 3633.

indebtedness,

limitation of, in general, 2218.

— in cities having a population of not less than three thousand, 4043.

§ 27. Claims against city.

how audited, 3626.

effect of change of organization upon causes of action, 3562.

claims for injuries,

necessity of filing claim with city auditor before bringing action, 3627, 3628.

limitation of actions of damages caused by defective highway, 3629.

CITIES — EMBRACING TERRITORY IN MORE THAN ONE COUNTY.

See Cities, § 3.

CITIZENS.

who are, 13, 18.

eligibility to office, 19.

rights, same as electors except as to right of holding office, 20.

rights of citizens of other states, 21.

CITIZENSHIP.

board of pardons may restore convict to, 11109.

CITY ATTORNEY.

See Cities, § 16.

INDEX.

(References are to sections.)

CITY ATTORNEY — (continued).

in cities under commission form of government, see Commission Form of Government for Cities, § 6.

CITY AUDITOR.

See Cities, § 12; Commission Form of Government for Cities, § 4.

CITY BOARD OF EQUALIZATION.

See Taxes, § 13.

CITY BOARDS OF HEALTH.

See Health.

CITY CANVASSING BOARD.

of primary election, see Elections, Primary, § 5.

CITY CLERKS.

See Cities, § 14.

CITY COUNCIL.

See Cities, § 7.

CITY ENGINEER.

See Cities, § 15.

CITY JUSTICE OF THE PEACE.

See Justice of the Peace, § 12.

CITY PLATS.

See Cities, § 5.

CITY TREASURER.

See Cities, § 13; Commission Form of Government for Cities, § 6.

CIVIL ACTIONS.

See Actions.

CIVIL DEATH.

absence for seven years deemed, 7921.

imprisonment for life, as, 10351.

CIVIL RIGHTS.

classification of, 4332.

loss or waiver of, 4333.

suspended upon imprisonment in penitentiary, 10350-10352.

CLAIM.

against the state, 657, 709.

against counties, 4222-4227.

against townships, 4222-4227.

against estate of decedent, 8734-8754.

offer to compromise, 7857.

actions to determine adverse claims against real property, 8144.

buying to sue by attorney, 9412.

— by justice or constable, 9413.

loan on claims held for collection, 9414.

receiving in payment allowable when, 9415.

INDEX.

(References are to sections.)

CLAIM AND DELIVERY.

provisional remedy by, 7487.
who may claim, 7516.
plaintiff's affidavits, contents of, 7517.
requisition to sheriff, 7518.
security by plaintiff, 7519.
exceptions by defendant, 7520.
 redelivery to defendant, 7521.
justification of defendant's sureties, 7522, 7523.
concealed property, 7524.
keeping property, 7525.
claim by third person, 7526.
property to be filed with clerk, 7527.
verdict of jury in, 7635.
form of judgment in, 7682.
sheriff's fees for serving writ, 3514.
in justice's court, 9062.

CLAIRVOYANCY.

power of cities to license, tax, regulate and prohibit persons practicing, 3599 (30).

CLEARANCE.

on railroad tracks, see Railroads, § 15.

CLERGYMEN.

confidential relations with, 7923.

CLERK OF DISTRICT COURT.

See Courts, Clerks of, § 2.

CLERK OF SUPREME COURT.

See Courts, Clerks of, § 1.

CLERKS.

city clerk, see Cities, § 14.
village clerk, see Villages, § 9.
township clerk, see Townships, § 10.
of supreme court, see Courts, Clerks of, § 1
of district court, see Courts, Clerks of, § 2.
of county court, see Courts, Clerks of, § 3.
of county court with increased jurisdiction, see Courts, Clerks of, § 4.

CLOVER SEED.

weight of bushel of, 3006.

CLUB HOUSE.

prohibited when, 10122.

COAL.

statistics of coal mined to be furnished, 170.
weight of bushel of, 3006.
standards and tests of, 3086.
price regulated, 3086.
maximum freight rates on, 4781.
power of cities to regulate the inspection, weighing and measuring of, 3599 (39).
regulations affecting the location of coal yards in cities under commission form of government, 3818 (32), 3818 (75).

INDEX.

(References are to sections.)

COAL INSPECTION.

- oil inspector ex officio coal inspector, 3085.
- standards and tests of coal, 3086.
- duties and powers of inspector, 3087, 3089.
- samples of coal, how secured, 3088.

COAL LAND.

- what included in term, 334.
- lease of school lands for mining, 350, 355.
- penalty for removal of, in violation of statute, 357.
- duty of board of university and school land to examine public land as to coal, 365.
- transfer of land subject to coal deposits, 5518, 5519.

COAL MINES.

See Mines and Mining.

COAL OIL.

- power of cities to regulate and prevent the storage of, 3599 (50).
- power of cities under commission form of government to regulate and prevent storage of, 3818 (45).

COAL TAR DYES.

- use of, in foods as adulteration, 2880.
- use of, in candies prohibited, 2880.

COCAINE.

- sales of, regulated, 504.
- unlawful sale of, by pharmacist, penalty, 504.
- sale of, prohibited, 2943.

COCHRANE LIBRARY.

- appropriation for, 1576.
- duty of dean of college of law as to, 1577.

COCK-FIGHTS.

- power of cities to prevent, 3599 (44).

COCKLEBUR.

- as a noxious weed, 2817.

CODE OF CIVIL PROCEDURE.

See Codes, § 3.

CODE OF CRIMINAL PROCEDURE.

See Codes, § 7.

CODES.

§ 1. *In general.*

- adjustment of conflicts between codes, 107.

§ 2. *Political.*

- act known as, 1.
- how construed, 4319, 4320.
- conflict with other codes, 107.
- not retroactive unless so declared, 4318.
- how cited, 4325.
- offices under acts repealed by code, continued when, 4321, 4322.
- pending actions or proceedings not affected by code, 4323.
- limitations, how reckoned, 4324.

INDEX.

(References are to sections.)

CODES — (continued).

§ 3. *Civil.*

act known as civil code, 4326.
to be liberally construed, 7312.
as exclusive of common law, 7312.
established law of the state, 7312.
common law superseded by, 4331.
divisions of civil, 4334.
admissibility of, as evidence, 7910.
former instruments not affected, 5588, 5589.
benefit of certain provisions of civil code, waived, 7136.
law amended, 7312.

§ 4. *Civil procedure.*

act known as, 7319.
to be liberally construed, 7321.
language in, how construed, 7325.
definition of words used in, 7326.
retroactive, when, 7320.
establishes law of the state, 7321.
excludes common law, when, 7321.
prior rights unaffected, 7322.
effect on former laws, 7327.
effect on statute of limitations, 7323, 7324.
provision of, to govern in service of subpoena in election contest, 1077.
provision to govern to take depositions in contest in legislative election, 1073.
provisions of, applicable to election contest, 1057, 1058.
how far applicable to actions in justice's court, 9009.
how cited, 7327.

§ 5. *Probate.*

act known as, 8507.
construction of, 8508.
words and phrases, construction and significance of, 8512, 8513.
establishes law of the state, 8508.
effect of, on prior rights, 8509.
effect of, on statute of limitations, 8510, 8511.

§ 6. *Justice's.*

act known as justice's code, 9001.
— application of, 9002.

§ 7. *Criminal procedure.*

act known as, 10384.
rule of construction of, 11172, 11400.
not retroactive, 11173.
when silent common law prevails, 11179.
to what applicable, 11178.
provisions govern, when, 11401.

§ 8. *Penal.*

act known as, 9193.
scope, 9198.
how constructed, 9201.
not retroactive, 9194, 10383.
applicability of, to violations of primary election law, 887.

CODICIL.

included in term will, 7309.
See Wills.

COHABITATION, UNLAWFUL.

See Adultery.

INDEX.

(References are to sections.)

COIN.

- uttering counterfeit, as forgery, 9906, 9907.
- counterfeiting, as forgery, 9896, 9897.
- having counterfeit, in possession as forgery, 9904.

COLD STORAGE.

- definition, 3149.
- inspection of cold storage house by game warden, 10277.

COLLECTOR.

- when guilty of embezzlement, 9933.

COLLEGE OF LAW.

- duty of dean of, 1577.

COLLUSION.

- as bar to divorce, 4387-4389.

COMBINATION.

- See Pools and Trusts.

COMBUSTIBLES.

- power of cities as to the storage of combustible material, 3599 (50).
- cities under commission form of government, 3818 (45).
- of villages, 3861 (3).

COMMERCIAL DISCRIMINATION.

- prohibited, 3048.
- penalty, 3049.
- contracts in violation of article void, 3050.
- duty of county attorney and attorney-general, 3051.
- duty of secretary of state, 3052.
- corporation charter and rights forfeited, 3053.
- duty of attorney-general to enjoin corporation from doing business, when, 3054.
- remedies cumulative, 3055.

COMMERCIAL PAPER.

- See Negotiable Instruments.

COMMISSIONER DISTRICTS.

- See Counties, § 6.

COMMISSIONER OF AGRICULTURE AND LABOR.

§ 1. *In general.*

- residence of, 171.
- salary, 171.
- appropriation for clerk hire, 652.
- obstruction of, misdemeanor, 165.
- examination of persons under oath, 166.
- biennial report,
 - number to be printed, 66.
 - provisions for printing, 66.
- report to legislature, 163.

§ 2. *Appointments by.*

- deputy commissioner to act as dairy commissioner, 2836.
- term of office of dairy commissioner, 2836.
- compensation of dairy commissioner, 2837.

INDEX.

(References are to sections.)

COMMISSIONER OF AGRICULTURE AND LABOR — (continued).

§ 3. *Ex officio member of.*

- state historical society, 380.
- board of directors of state farmers' institute, 1877.
- state fair association, 1852.
- state board of equalization, 2141.
- ex officio state statistician, 169.

§ 4. *Duties.*

- in general, enumerated, 163, 167, 170.
- as to state exhibits at fairs and expositions, 168.
- as to accounts of state fair associations, 1853.
- to furnish blanks for warehouse reports, 3137.
- to receive report of coal mine operators, 3032.
- to give notice of holding of wool markets, 3178.
- to enforce law relative to adulterations of oils, 2877.
- as to recording brands, 2594-2596, 2599-2603.
- to issue certificate for sires, 6848.
- as to live stock associations, 2786.
- as to transfer of record of hail insurance, 189a.
- to aid needy settlers, when, 2545.

COMMISSIONER OF DEEDS.

- appointment, 608.
- bond, 609.
- oath, where filed, 609.
- term of office, 608.
- seal, form of, 609.
- fee, to pay to the state, 609.
- compensation, 610.
- powers,
 - to take depositions, 608.
 - to take acknowledgment, 608.
 - to administer oaths, 608.

COMMISSIONER OF INSURANCE.

See Insurance, Commissioner of.

COMMISSIONER OF NOXIOUS WEEDS.

See Weeds.

COMMISSIONER OF PUBLIC PRINTING.

See Printing, Public, § 8.

COMMISSIONER OF RAILROADS.

See Railroad Commissioners, Board of.

COMMISSIONER OF UNITED STATES.

may take acknowledgments within limits of his district, 5564.

COMMISSIONERS OF INSANE.

See Insane Persons, § 2.

COMMISSION FORM OF GOVERNMENT FOR CITIES.

See Cities.

§ 1. *In general.*

- procedure for' adoption,
 - when question may be submitted to voters, 3771.
 - notice of election, 3772.
 - form of ballots, 3773.
 - result of election to be certified to secretary of state, 3779.

INDEX.

(References are to sections.)

COMMISSION FORM OF GOVERNMENT FOR CITIES — (continued).

- letters patent,
 - to be issued by governor, 3780.
 - recording letters patent, 3781.
- judicial notice of cities organized under this form of government, 3775.
- effect upon vested rights by adoption of commission form of government, 3777.
- effect upon ordinances and resolutions of adoption of commission form of government, 3778.
- effect upon legal identity of cities of adoption of commission form of government, 3778.
- procedure to abolish commission form of government, 3839.
- official newspaper,
 - to be designated, 3813.
 - certificate of official publication, 3814.
- city finances to be controlled by board of city commissioners, 3817.
- § 2. *Powers of cities adopting commission form of government.*
 - in general, enumerated, 3776, 3816, 3834.
 - as to finances and property of the corporation, 3818 (1).
 - to levy and collect taxes, 3818 (2).
 - as to licenses, 3818 (3).
 - to borrow money and issue bonds therefor, 3818 (4).
 - to establish, improve or vacate streets, alleys, sidewalks, wharves, parks and public grounds, 3818 (5).
 - as to planting trees, 3818 (5).
 - as to obstructions on streets, sidewalks, wharves and public grounds, 3818 (5).
 - to provide for lighting of streets, sidewalks, wharves and public grounds, 3818 (5).
 - to furnish lights to the inhabitants of the city, 3818 (5).
 - to provide for the cleaning and health of the city, 3818 (6).
 - to regulate the laying of gas or water mains and pipes, 3818 (7).
 - to regulate the building and laying or repairing of sewers, tunnels and drains, 3818 (7).
 - to regulate the erection of gas or electric light plants, 3818 (7).
 - to regulate the use of sidewalks and all structures thereunder, 3818 (8).
 - to require owner or occupant to keep the sidewalks in front of his premises free from obstructions, 3818 (8).
 - as to the drawing or depositing of ashes, garbage or other offensive matter in streets or public grounds, 3818 (9).
 - as to crosswalks, curbs and gutters, 3818 (10).
 - as to use of streets, sidewalks and public grounds for signs, awnings, telegraph or telephone poles and advertisements, 3818 (11).
 - as to the exhibition of banners, advertisements or handbills, 3818 (12).
 - to regulate and prevent the flying of flags, banners or signs, 3818 (13).
 - to regulate traffic and sales upon the streets, sidewalks and public places, 3818 (14).
 - to regulate the speed of horses and other vehicles, 3818 (15).
 - to regulate the numbering of houses and lots, 3818 (16).
 - to name and change the name of any street or other public place, 3818 (17).
 - to permit, regulate or prohibit the laying of railroad tracks in streets or public places, 3818 (18) (64).
 - to provide for and change the location, grade and crossing of any railroad, 3818 (19).
 - to require railroad companies to fence their right of way, 3818 (20).
 - to require railroad companies to construct proper guards, 3818 (20).
 - as to railroad crossings, 3818 (20).
 - as to grade of railroad tracks, 3818 (21).
 - to require railroad companies to construct and keep in repair ditches, drains and sewers, 3818 (21).
 - to construct and keep in repair bridges, viaducts and tunnels, 3818 (22).
 - as to hawkers, peddlers, pawnbrokers, theatricals, ticket scalpers and employment agencies, 3818 (23).

INDEX.

(References are to sections.)

COMMISSION FORM OF GOVERNMENT FOR CITIES — *(continued)*.

- as to hackmen, draymen, porters, expressmen and all others pursuing like occupations, 3818 (24).
- as to runners for stages, cars, public houses or other places or persons, 3818 (25),
- as to billiards, pin alleys or other similar games, 3818 (26).
- as to plumbers and plumbing, 3818 (27).
- as to connections with sewers and water mains, 3818 (27).
- to establish markets and market houses and provide for the regulation and use thereof, 3818 (28).
- to regulate the sale of meats, vegetables and other provisions, 3818 (29).
- to regulate the sale of bread, 3818 (30).
- to regulate the inspection of meats, vegetables and other provisions, 3818 (31).
- as to sale and inspection of milk, 3818 (31).
- as to inspection of dairy premises, 3818 (31).
- to regulate the inspection, weighing and measuring of articles of merchandise, 3818 (32).
- to provide for the inspection and sealing of weights and measures, 3818 (33).
- to enforce the keeping and use of proper weights and measures by venders, 3818 (34).
- as to vaults, cisterns, hydrants, pumps, sewers and gutters, 3818 (35).
- to regulate places of amusement, 3818 (36).
- to prevent intoxication and all disorderly conduct, 3818 (37).
- to regulate partition fences and party walls, 3818 (38).
- as to construction and inspection of buildings and fire escapes, 3818 (39).
- as to wooden buildings, 3818 (40).
- as to chimneys, ovens and boilers, 3818 (41).
- as to manufactories dangerous in causing and promoting fires, 3818 (42).
- as to the deposit of ashes, 3818 (43).
- to cause dangerous buildings to be put in safe condition, 3818 (43).
- to erect fire engine houses and provide apparatus, 3818 (44) (70).
- as to the storage of explosives, 3818 (45).
- as to the use of lights in stables, shops and other places, 3818 (45).
- as to bonfires, 3818 (45).
- as to the use of fireworks, 3818 (45).
- as to the inspection of steam boilers, 3818 (46).
- to establish and erect a city jail, house of correction and workhouse, 3818 (47).
- to use the county jail, 3818 (48).
- to regulate the police of the city, 3818 (48).
- to prevent and suppress riots, noises and disorderly assemblies in public or private places, 3818 (49).
- to prohibit and punish cruelty to animals, 3818 (50).
- to restrain and punish vagrants and prostitutes, 3818 (51).
- to declare what shall constitute a nuisance and abate the same, 3818 (52).
- to impose fines upon persons who create and continue nuisances, 3818 (52).
- to erect and establish hospitals, 3818 (53).
- as to quarantine regulations, 3818 (53).
- as to public health in general, 3818 (54).
- as to cemeteries, 3818 (55).
- as to the running at large of livestock, 3818 (56).
- as to the running at large of dogs, 3818 (57).
- as to packing houses, renderies, slaughter houses, soap factories, livery stables and blacksmith shops within and within one mile of the city limits, 3818 (58).
- to prohibit any offensive or unwholesome business within one mile of the city limits, 3818 (59).
- to compel the owner of unwholesome establishment to cleanse or remove the same, 3818 (60).
- to provide for the taking of the city census, 3818 (61).
- to provide for the erection and care of all public buildings, 3818 (62).
- to extend streets over or across the tracks of lands of any railroad company, 3818 (63).

INDEX.

(References are to sections.)

COMMISSION FORM OF GOVERNMENT FOR CITIES— (continued).

- to construct sewers under railroad track or across land of railroad companies, 3818 (63).
 - as to auctioneers, lumber yards, public scales, money changers and brokers, 3818 (65).
 - as to the playing of games or amusements having a tendency to annoy persons passing in the street, 3818 (66).
 - as to the keeping of lumber yards or other combustible material within the fire limits, 3818 (67).
 - to provide by ordinance that all public printing and supplies shall be furnished by contract let to the lowest responsible bidder, 3818 (68).
 - as to second hand and junk stores, 3818 (69).
 - to establish and maintain a system of waterworks, 3818 (70).
 - to redistrict the city into wards, 3818 (71).
 - to pass ordinances and regulations necessary to carry into effect the powers granted to the city, 3818 (73).
 - to submit to vote of the electors propositions for issuing bonds for the erection of municipal places of amusement or entertainment, 3818 (74).
 - as to location of junk shops, school yards, garages, machine shops, power laundries, hospitals and undertaking establishments, 3818 (75).
 - to establish building lines, 3818 (75).
- § 3. *Officers, in general.*
- See Cities, § 9.
 - officers to be elected, 3783.
 - appointment of, 3801.
 - qualifications, 3787.
 - oath of office of person elected or appointed, 3806.
 - bonds, 3807.
 - time for commencement of term of office, 3788.
 - salaries, how fixed, 3802.
 - powers and duties in general enumerated, 3815.
 - removal from office, 3808.
 - vacancies,
 - how filled, 3803.
 - special election to fill vacancies, 3804.
 - term of office of person elected or appointed to fill vacancy, 3806.
- § 4. *City auditor.*
- ex officio secretary of board of public works, 3809.
 - powers and duties in general enumerated, 3809, 3812.
- § 5. *City treasurer.*
- powers and duties,
 - in general enumerated, 3811.
 - as to paying out the funds in his custody, 3829.
 - monthly statement to city auditor, 3830.
- § 6. *City attorney.*
- powers and duties in general enumerated, 3810.
- § 7. *Police officers.*
- appointment of special police, 3796.
 - duties as to health regulations, 3827.
- § 8. *Commissioners.*
- See also Board of Commissioners, infra, § 9.
 - how elected, 3785.
 - term of office, 3786.
 - time for commencement of, 3788.
 - oath of office, 3791.
 - time to qualify, 3791.
 - bonds, 3791.
 - salary, 3790.

INDEX.

(References are to sections.)

COMMISSION FORM OF GOVERNMENT FOR CITIES — (continued).

commissioners of finance and revenue,
powers and duties, in general, enumerated, 3794.
police and power commissioner,
powers and duties in general, 3794.
commissioner of streets and of improvements,
powers and duties in general, 3794.
waterworks and sewerage commissioners,
powers and duties in general, 3794.

§ 9. *Board of commissioners.*

appointments to be made by,
in general, enumerated, 3801.
president,
powers in general, enumerated, 3792.
to be executive officer of the city, 3795.
vice-president,
powers and duties in general, 3797.
meetings,
time for holding regular and special meetings, 3798.
quorum, 3816.
powers,
See supra, § 2.
in general, 3834, 3816.
to control and supervise all departments of the city, 3719.
where the manner of exercising powers is not specifically pointed out, 3819.
to appoint special police, 3796.
to regulate rates and charges for public service or utility, 3607-3609.
to compel the attendance of witnesses and the production of books and papers, 3792.
to punish for contempt, 3792.
duties,
as to publishing financial statement of taxes and revenues collected and expended,
3795.

§ 10. *Commissioner of public health.*

assistants, 3823.
salary, 3823.
powers,
in general, enumerated, 3820.
to inspect premises and abate nuisances, 3824.
duties,
as to health regulations, 3821.
adoption of health regulations, 3821.
as to sanitary recommendations, 3822.
report to state board of health, 3826.
duties of physicians to report patients suffering with contagious diseases, 3825.
duty of peace officer as to health regulations, 3827.

§ 11. *Ordinances.*

See Cities, § 8.
enactment, publication, 3799.
enacting clause, 3800.
time of going into effect, 3837.

§ 12. *Wards.*

boundaries of wards, 3782.

§ 13. *Elections.*

generally as to elections in cities, see Elections, § 18.
for electing first board of city commissioners, 3774.
biennial municipal election, manner of holding, 3784.

INDEX.

(References are to sections.)

COMMISSION FORM OF GOVERNMENT FOR CITIES — (continued).

§ 14. *Initiative.*

- procedure, election, 3836.
- form of petition, 3838.

§ 15. *Referendum.*

- procedure, election, 3837.
- form of petition, 3838.

§ 16. *Recall.*

- procedure, election, 3835.
- form of petition, 3838.

§ 17. *Finances.*

- city funds,
 - control of, manner of drawing orders upon the city treasury, 3828.
 - depository for city funds, how designated, 3831.
- publication of financial statement, 3795.

COMMISSION MERCHANT.

- license required, 3021.
- license, how obtained, 3022.
- bond of,
 - bond required, 3022, 3023.
 - approval and renewal of bond, 3024.
- fees collected for examination of bond, 3025.
- action for breach of conditions of bond, 3026.
- penalty for acting as, without license, 3027.
- secretary of state to act as agent of, 3023.

COMMISSIONS.

- school officials and teachers prohibited from receiving, for sale of school supplies, 1529.

COMMON CARRIERS.

- See Carriers.

COMMON LAW.

- superseded by code, 4331.
- prevails where code is silent, 11179.
- divisions of common law, 4329.
- evidence of common law, 4330.
- presumed to be law of foreign country, 7936.

COMMON SCHOOLS.

- See Schools and School Districts.

COMMON TENANCY.

- defined, 5264, 5265.
- common tenancy created by devise to several, 5718.

COMMUTATION.

- of sentence, see Pardons.
- of road taxes, 2016.
- of road labor, 2017.
- payment of commutation money, 2018.

COMMITMENT.

- generally, see Criminal Procedure.
- to jail, how executed and filed, 11353-11355.
- form of, generally, 10616.

INDEX.

(References are to sections.)

COMMITMENT — (continued).

form of, where offense is bailable, 10613, 10614.
— where offense not bailable, 10612.
for examination, form of, 10601.
of witness, 10617, 10620.
of fugitives from justice, 10294, 10295.
of youth to reform school, 11281, 11282, 11285.
prisoner entitled to copy of, 11395.
court may issue, on appearance for trial, 10866.
exonerates bail, 10900.
for profanity, 9228.

COMPENSATION.

as a relief for wrong, see Damages.
right to injunction when compensation will not afford adequate relief, see Injunction.
See Salaries and Compensation.
defined, 7137.
as a relief from forfeiture, 7138.
power of state to require services of persons without compensation, 7.
right of court to make provision for compensation upon adjudging rescission of contract, 7208.
lienor not entitled to compensation for expense of keeping property subject to lien, 6713.
partner not entitled to, for services rendered to partnership, 6398.
for glandered animals killed, 2731.

COMPLAINT.

in civil action, see Pleading, § 3.
in criminal action, see Criminal Procedure, § 1.

COMPOUNDING CRIME.

defined, 9402.
crimes, what is, 9401.
— punishment, 9402.
crime compounded, misdemeanor, 9402.
prosecution, misdemeanor, 9402.
felony, indictment or information for, 10709.

COMPOUNDING DEBTS.

right of executor or administrator to compound debts of the decedent, 8814.

COMPROMISE.

of action,
offer to fix damages, 7858.
plaintiff refusing; proof; costs, 7859.
offer of judgment by defendant, effect of, 7856.
plaintiff refusing compromise must prove damages, 7859.
of action for wrongful death, 8326.
offer of judgment on counterclaim, effect of, 7857.
right of executor or administrator to compromise claims, 8814.
of misdemeanor, when authorized, 11074.
— stay of proceedings upon compromise, 11075.
— order to stay, bar, 11076.
right to compromise crime limited, 11077.

COMPUTATION OF TIME.

See Time.

CONCEALED WEAPONS.

carrying, misdemeanor, 9770.

INDEX.

(References are to sections.)

CONCENTRATED COMMERCIAL FOOD STUFFS.

- parcels of, how labeled, 2911.
- what food stuffs exempt from application of article, 2912.
- what food stuffs to be labeled, 2913.
- all manufacturers and dealers in, to file statement with station, 2914.
- finer for failure to comply with law, 2915.
- license for handling feeding stuffs, 2916.
- finer for adulteration of food stuffs, 2917.
- duty of experiment station to enforce law, 2918.
- what constitutes violation of the law, 2919.
- duty of experiment station in respect to violations of the law, 2920.
- appropriation to enforce law, 1624.

CONCILIATION, BOARDS OF.

- board of, for justice's court,
 - election of commissioners, 9187.
 - term of, 9188.
 - proceedings before commissioners, 9189.
 - agreement; parties; attorneys, 9190.
 - compensation of commissioners, 9191.
 - proceedings not evidence at subsequent trial, 9192.

CONDEMNATION PROCEEDINGS.

- See Eminent Domain.

CONDITION.

- when offer of performance of obligation may be made on, 5812.

CONDITIONAL SALES.

- must be in writing and filed, 6757.
- by railroad company, validity of, 4625, 4626.

CONDITION CONCURRENT.

- defined, 5772.

CONDITION PRECEDENT.

- defined, 5771.
- how pleaded, 7462.

CONDITION SUBSEQUENT.

- defined, 5773.

CONDONATION.

- as bar to divorce, defined, 4390-4392.
- requisites of, 4391.
- revocations of, 4392.
- divorce denied on showing, 4387, 4390, 4392.

CONDUCTOR.

- intoxication of, misdemeanor, 9780.

CONFECTIONERY.

- sanitation of, see Food, § 2.

CONFESSION.

- corpus delicti* in homicide not provable by, 9459.

INDEX.

(References are to sections.)

CONFESSION OF JUDGMENT.

See Judgment, § 2.

CONFIDENTIAL RELATIONS.

exists between whom, 7923.
not to be revealed, 7923.
how waived, 7924.

CONFIRMATION.

of sale under execution, see Execution, § 7.
agreement of senators to vote for, prohibited when, 9332.

CONFLICT OF LAWS.

what laws govern interpretation of contracts, 5906.
law governing real estate, 5303.
law governing personal property, 5444.
law governing execution of wills, 5653-5655.
law governing interpretation of wills, 5739.
laws governing testamentary disposition of property, 8862.
laws governing in the distribution of estate of deceased non-resident,, 8861-8866.

CONGRESS.

number of congressmen, 22.
member of, to be nominated at primary election, 852.
certificate of election of members, 1021.
vacancy in office of member of congress. 1033.
judicial notice of acts of, 7938.
power of,
 over shipping, 5451.
 regulations of shipping, when controlling, 5453.
 acts of, regulating transfer of vessels, 5562.
 rights and duties of carriers by sea regulated by, 6188.
grants of,
 grant of money for support of experiment station accepted, 1620.
 land grants for agricultural college, 1617.
 land grant for blind asylum, 1703.

CONGRESSIONAL DISTRICT.

apportionment, 22.
— first district defined, 23.
— second district defined, 24.
— third district defined, 25.

CONNIVANCE.

as bar to divorce defined, 4388.
divorce denied on showing, 4387, 4388.

CONSCIENCE.

crimes against, see Crimes, § 6.

CONSENT.

as essential to contract, see Contract, § 6.
as ground for rescission of contract, 5934.
undue influence, what is, 5852.
age of, 9563.
for marriage, 4358.
as an essential of marriage. 4357.
annulment of marriage for lack of, 4368.

INDEX.

(References are to sections.)

CONSENT — (*continued*).

- of husband and wife as sufficient consideration for contract for separation, **4413**.
- when necessary for appointment of guardian of child, **4456**.
- what necessary for adoption of children, **4443-4445**.
- to apprenticeship, by whom and how given, **4476**.

CONSIDERATION.

- of negotiable instruments, see **Negotiable Instruments**.
- of contracts, see **Contracts**, § 5.

CONSIGNEE.

- defined, **6197**.

CONSIGNOR.

- defined, **6197**.

CONSOLIDATION.

- of railroad lines permitted, **4620**.

CONSPIRACY.

- criminal conspiracies defined, **9441**.
- out of state, against peace of state, **9442**.
- conspiracy when not punishable; peaceable assemblies, **9443**.
- overt act necessary, **9444**.
- hindering citizens from obtaining employment, **9445**.
- blacklist; punishment, **9446**.
- requisite proof for conviction of, **10840**.
- against mines, how punished, **10242**.

CONSTABLE.

§ 1. *In general.*

- election, term of office, **4087**.
- to give bond, **660, 663**.
- to serve subpoena, when, **7872**.
- buying claims or evidences of debts for the purpose of bringing suit thereon, prohibited, **9413-9419**.
- schedule of fees of, **3531**.
- right to require fees to be paid in advance or security given, **3548**.
- limitation of actions against, **7376**.
- mutilation, etc., of record, felony, **9389**.
- permitting escape, misdemeanor when, **9390**.
- liability for unlawful confinement of insane person, **9731**.

§ 2. *Duties of.*

- to arrest without warrant, when, **19057**.
- at polling place, **1042**.
- to obey order of stallion registration board, **2777**.
- as to gambling, **9686**.
- as to prize fight, **9820, 9821**.
- as to enforcement of prohibition law, **10107**.
- as to violation of chapter relative to government licenses, **10152**.
- to enforce game and fish law, **10270**.

§ 3. *In counties.*

- provisions for, **3257**.
- provision for the appointment of additional constables in counties, **3258**.
- duties,
 - to render account and settlement with county commissioners, **3303-3305**.
 - to kill glandered animals, **2733**.

INDEX.

(References are to sections.)

CONSTABLE — (continued).

§ 4. In city.

organization of county, effect on term of office of, 3207.
make arrests authorized by city officers, 3606.
serve process authorized by city officer, 3606.

§ 5. In township.

number, 4087.
election, 4087.
term of office, 4087.
oath of office, 4159, 4160, 4166.
oath of office, 4166.
names of constables elected or appointed in the township to be transmitted to the clerk of district courts, 4201.
powers in general enumerated, 4273.
as to arrest and prosecution of persons misappropriating seed grain furnished by county, 3485.

CONSTITUTION.

as an expression of law, 4328.
judicial notice of, 7938.
custodian of enrolled copy, 121.
amendment,
 publication of proposed amendment, 3188.
 secretary of state to select newspapers for publication of proposed amendment, 3189.
 fees for publishing proposed amendment, 3190.
 publication of proposed amendment, accounts, how audited and paid, 3190.
 how voted upon, 959.
manner of printing of ballots and advertising, 960, 961.
 certificate of ratification, 1025.
 record of result of election, 1026.

CONSTRUCTION.

liberal construction to be given to pleadings, 7457.
of grant, 5501-5507.
of statutes, see Statutes.
of codes, see Code.

CONSTRUCTIVE FRAUD.

defined, 5850.

CONTAGIOUS DISEASES.

See Health.
of live stock, see Animals, § 6.
duty of board of health as to, 400.
vaccination required, 425.
physicians, etc., to report to boards of health, 421-423.
report of, by county superintendent of public health, 408.
infected clothing to be destroyed, 430.
hospitals provided by health boards, 429.
dead body, regulations as to burial, etc., 427.
sick of contagious disease, removal of prohibited, 424.
school officers, etc., duty of, 426.
exposure to person suffering with contagious disease, misdemeanor, 9786.
persons suffering from certain diseases not to be employed in food producing establishments, 2969.
regulation where guest at hotel has, 2984.
quarantine regulations,
 duty of state board of health to establish, when, 400.

INDEX.

(References are to sections.)

CONTAGIOUS DISEASES — (continued).

quarantine regulations — (continued).

local board of health to establish, when, 428, 432.

— expenses of board of health, 432.

violation of, penalty, 433.

quarantine regulations as to vessels,

violation of quarantine regulations by master of vessel, 9748, 9849.

passengers landing from vessel before visit of health officer, how punished, 9750.

violation of quarantine regulations by others, how punished, 9751, 9752.

of sheep, when, 2748.

CONTEMPT.

in justice's court, see Justice of the Peace, § 9.

§ 1. *In general.*

civil contempt defined, 8180.

criminal,

defined, 8178.

punishment for, 8179.

what constitutes, 9419.

of legislative assembly, how punished, 29, 30.

of juvenile court, what constitutes, 11427.

in justice's court, 9126-9129.

act punishable as crime, also punishable as, 10331.

punishment for, as bar to an action on defendant's bond, 8589.

provisional arrest and bail does not apply to, 7488.

appeals to the supreme court, how taken, 8201.

§ 2. *What officers and tribunals may punish for.*

power of county court to punish for contempt, 8534(6).

power of police magistrate to punish for, 3660.

power of referee in case of, 7650.

power of coroner to punish for, 3409.

power of board of city commissioners to punish for, 3792.

power of village justice of the peace to fine or imprison for, 3927.

§ 3. *What constitutes.*

refusal or neglect to obey decree or order, 8588.

party to action in refusing to attend or testify, 7867.

refusal to obey subpoena, as, 11035.

failure of witness to appear for examination; punishment, 8200.

refusal of witness to testify, 11035.

refusal to testify before state board of control, 245.

failure to attend hearing before railroad commissioners, 4739.

failure of election officer to obey subpoena, 1031.

refusing inspection of documents, 7860.

disobedience of order to deposit in court as, 7595.

failure of officer to act in summoning jury, 832.

grand juror acting as such after challenge, 10635.

failure of common carrier to file schedule of rates for joint tariff, 4727.

in supplementary proceedings, 7788.

in insolvency proceedings, 8425.

violation of injunction against bawdy house, 9648, 9649.

proceedings arising out of violation of injunction against gambling house, 9695.

§ 4. *Practice.*

how punished when in presence of court, 8188.

— when in any presence, 8182.

order to show cause, attachment, 8183.

papers served on accused, 8184.

indorsement on warrant of amount of undertaking required, 8185.

duty of sheriff when undertaking not given, 8186.

INDEX.

(References are to sections.)

CONTEMPT — (continued).

accused discharged from arrest on delivery of undertaking, 8187.
procedure on return of warrant, 8188.
final order directing punishment, 8189.
payment to party injured instead of fine, 8190.
imprisonment until act performed, 8191.
offender discharged when unable to endure punishment, 8192.
punishment not bar to criminal prosecution, 8193.
failure to appear,
 prosecution of undertaking, 8194.
 by whom prosecuted, 8195.
 extent of recovery, 8195.
 when prosecuted in name of state, 8196.
 application of proceeds of, 8197.
 when sheriff liable for insufficient surety, 8198.
procedure to punish for before referee, 8199.

CONTEST OF ELECTION.

of primary election, see Elections, Primary, § 6.
of general election, see Elections, § 14.

CONTINGENCY.

not insurable, 6469.

CONTINGENCY FUND.

appropriation, 647.
appropriation to fund to be placed at the disposal of commissioner of insurance, 650.
warrants to be drawn upon by state auditor, at direction of governor, 647.
governor's order directing payment upon the fund, contents, 648.

CONTRABAND.

seizure and search of, contraband game, 10277.

CONTRACTOR'S BONDS.

See Bonds, official, § 16.

CONTRACTS.

city contracts, see Cities, § 19.
foreclosure of land contracts, see Land Contracts.
as to specific performance of contracts, see Specific Performance.
as to injunction against breach of contract, see Injunction.
as measure of damages for breach of contract, see Damages.

§ 1. *In general.*

definition, 5836.
requisites of, 5837.
executed contract defined, 5921.
corporation or official seal how affixed, 5893.
distinction between sealed and unsealed, abolished, 5894.
power of fraternal associations to make, 5032.
presumption as to intention to make equitable agreement, 7203.
enforceability of, by third person, 5841.
accepting principal as a waiver of claim to interest, 7144.
contract with village not affected by dissolution, 3904.
contracts with townships not affected by dissolution, 4279.
transfer is executed contract, 5489.
grants to be interpreted same as, 5501.
chapter on transfers applies to, to what extent, 5892.
identification of parties possible, 5840.

INDEX.

(References are to sections.)

CONTRACTS — (continued).

- parties may waive rights and obligations, when, 7136.
- take effect, when, 5891.
- marriage as a civil, 4357.
- mutual consent sufficient consideration for contract of separation, 4413.
- rate of interest on, after breach, 6078.
- limitation of actions on, 7375.
- § 2. *Object of.*
 - what is, 5867.
 - requisites of objects, 5868.
 - possible as requisite of object of contract defined, 5869.
 - single unlawful object effects contract, 5870.
 - lawful object valid although contract partially void, 5871.
- § 3. *Manner of creating.*
 - contracts classified, 5883.
 - expressed contracts, defined, 5884.
 - implied contracts defined, 5885.
 - when contracts may be oral, 5886.
 - when contract required to be in writing is enforceable although oral, 5887.
 - contracts required to be in writing, 5888.
 - written contracts supercede oral negotiations, 5889.
 - proving written instrument, 5890.
- § 4. *Parties.*
 - minors,
 - when invalid,
 - may be disaffirmed, 4339.
 - when and by whom disaffirmed, 4340.
 - for necessities not to be disaffirmed, 4341.
 - statutory contracts not to be disaffirmed, 4342.
 - persons of unsound mind cannot make, 4343-4345.
 - idiot cannot make, 4343-4345.
 - rights and capacities of married woman as to, 4411.
- § 5. *Consideration.*
 - good consideration defined, 5872.
 - when legal or moral obligation is good consideration, 5873.
 - as essential to contract, 5829.
 - consideration must be lawful, 5874, 5875.
 - consideration executed or executory, 5876.
 - how executory consideration determined, 5877.
 - consideration undetermined, reasonably worth, 5878.
 - consideration not ascertainable, 5879, 5880.
 - burden of proving want of, 5882.
 - writing presumed consideration, 5882.
 - failure of, as ground for rescission of contracts, 5934.
 - unnecessary to validity of transfer, 5489.
 - unnecessary for appointment of agent, 6329.
 - when distinct consideration necessary for guarantee, 6652.
- § 6. *Consent.*
 - requisites of, 5842.
 - contract to be rescinded if consent not free, 5843.
 - apparent consent when not free, 5844.
 - when consent deemed not free, 5845.
 - duress, what is, 5846.
 - menace, what is, 5847.
 - fraud,
 - fraud classified, 5848.
 - actual fraud, what is, 5849.

INDEX.

(References are to sections.)

CONTRACTS — (continued).

fraud — (continued).

constructive fraud, what is, 5850.

actual fraud question of fact, 5851.

mutual consent defined, 5857.

how communicated, 5858.

acceptance must comply with conditions, 5859.

when consent deemed fully communicated, 5860.

acts which are of acceptance, 5861.

acceptance must be absolute, 5862.

revocation of proposal, 5863.

when proposal may be revoked, 5863.

how revoked, 5864.

acceptance of benefit deemed acceptance of obligation, 5866.

§ 7. Interpretation of.

same rule for public and private, 5895.

must be interpreted to give benefit to mutual intention, 5896.

rules of,

what rules applicable, 5897.

language governs, when, 5898.

intention to be ascertained from writing alone, 5899.

real intention to govern in case of fraud, 5900.

every part to be given effect, 5901.

several contracts in one transaction to be taken together, 5902.

so interpreted as to be carried into effect, 5903.

words to be understood in ordinary sense, 5904.

technical words how construed, 5905.

what law governs, 5906.

contracts explained by reference to circumstances, when, 5907.

contract to be extended no farther than parties intend, 5908.

rules for,

to be construed as promisor believed promisee understood it, when, 5909.

clauses subordinate to, general intent, 5910.

written part controls printed, 5911.

original controls copies, 5912.

repugnance to be reconciled, 5912.

inconsistent words to be rejected, 5913.

uncertainty to be interpreted against party causing it; presumption, 5914.

reasonable stipulations to be implied, when, 5915.

incidents when and when not implied, 5916.

of time for performance, 5917.

rules governing time for performance when not specified, 5917.

when time is of the essence, 5918.

when promise presumes joint and several, 5919, 5920.

§ 8. Public contracts.

cancellation of contract for public printing, 58.

for supplies for state institution, 280.

for erection or repairs of buildings of state institutions, 282.

mode of approving contract to be performed by board of trustees of soldiers' home, 1784.

necessity of advertising for bids before letting contracts for expenditure of school funds, 1356.

city forbidden to make contracts prior to the appropriation of funds, exceptions, 3679.

city contracts to be countersigned by city auditor, 3626.

contracts by city for public improvement, form of, manner of execution, 3709.

contracts of city to be signed by mayor and countersigned by auditor, 3757.

contract of city for construction of connection of service pipes with sewers, water mains, etc., 3740.

for penitentiary and reform school, how executed, 11201, 11203.

INDEX.

(References are to sections.)

CONTRACTS — (continued).

§ 9. *Officers not to be interested in.*

- officers interested in, misdemeanor when, 9829.
- officers and employes of state institutions not to be pecuniarily interested in any contract connected with the institution, 1825, 1826, 1837.
- city officers not to be interested in contract for the sale or purchase of property by the city, 3618.
- penalty for city officer being interested in contract executed on behalf of city, 3760.
- members of school board in independent school district not to be interested in contracts made by school district, 1294.
- park commissioners of villages not to be interested in contract made in behalf of the park district, 4067.
- contracts made in behalf of townships declared void where the officers of board awarding such contracts are interested, 4270.

§ 10. *Alteration and cancellation.*

- oral contract, how altered, 5937.
- written contract, how altered, 5938.
- destruction by consent, effect of, 5939.
- extinguishment as to one and not all, 5940.
- exception, destruction of duplicate, 5941.

§ 11. *Rescission.*

- how extinguished, 5932.
- extinguishment by rescission, 5933.
- when rescission permitted, 5934.
- rescission permitted notwithstanding stipulation for compensation, when, 5935.
- rules governing rescission, 5936.
- grounds for rescission of contract, 7206-7207.
- for fraud or mistake, 7202-7205.
- of sale because of breach of warranty, 5994.
- of sale, stoppage in transit is not, 6885.
- on insurance contracts for false representation, 6499.
- of contract of insurance cause of concealment, 6481.
- of marine insurance for false representation, 6555.
- when notice of intention to rescind insurance contract may be given, 6502.
- right to compensation upon rescission of contract by court, 7208.
- See also Cancellation of Instruments.

§ 12. *Unlawful.*

- what is unlawful contract, 5922.
- contracts against public policy, 5923.
- penalties and penal cause void, 5924.
- provisions fixing damages for breach, void; exception, 5925, 5926.
- provisions restricting enforcement of rights void, 5927.
- in restraint of business void, 5928.
- exception in case of sale of good will, 5929.
- exception in case of partners, 5930.
- contract in restraint of marriage void, 5931.
- relieving railroads from liability for negligence, void, 4790.
- to avoid liability for negligence of common carrier void, 4806.
- in violation of commercial discrimination act, void, 3050.
- for forfeiture of property subject to lien, void, 6710.
- in restraint of right of redemption, void, 6710.
- between members of beneficiary associations and beneficiary, void, 5052.

§ 13. *Not enforceable.*

- right of action for goods sold in violation of pure food law, 2889.
- in violation of pure liquor law, not enforceable, 10168.

CONTRIBUTION.

- to loss by jettison, 6228 6231.

INDEX.

(References are to sections.)

CONTRIBUTION — (continued).

- to return of insurance premium to insured, 6535, 6536.
- of insurer in case of double insurance, 6548.
- between joint obligors, 5768.
- among co-sureties, 6686.

CONTRIBUTORY NEGLIGENCE.

- See Master and Servant, § 7.

CONTROVERSY WITHOUT ACTION.

- proceedings in, 7845-7846.

CONVENTIONS.

- who may not use proxy at, 9294.

CONVERSION.

- act of lienor constitutes, 6721.
- by bailee, as embezzlement, 9934.
- by lienor extinguishes lien, 6721.
- right of executors and administrators to maintain action for conversion, 8800.
- presumption as to damages arising from wrongful conversion of personal property, 7168, 7169.
- measure of damages for wrongful conversion of personal property, 7168.
- amount recoverable by holder of inferior lien for conversion of personal property by holder of superior lien, 7170.

CONVEYANCE.

- See generally, Transfers.
- defined as to recording, 5595.
- when instrument is to be deemed, 5413.
- requisites of instrument to revoke power to make, 5596.
- unrecorded instrument of, valid as to whom, 5597.
- holder of unrecorded, need not be made a party, 7405.
- of property, who may make, 5256.
- agent may give usual covenants of warranty, 6345.
- of real estate cannot be made by idiot, 4344, 4345.
- of homestead in case of insanity of husband or wife, 5633-5639.
- by railroad, how executed and recorded, 4624.
- sentence to penitentiary does not prevent making and acknowledging, 10352.
- making fraudulent, penalty, 9999.

CONVICT.

- may be sentenced to hard labor, 11331.
- person of, protected, 10353.
- abuse of, punishment, 11338, 11339.
- care of, during imprisonment, 11226, 11358.
- voting without pardon, misdemeanor, 9264.
- importing convicts, misdemeanor when, 9431.
- communicating with, without leave, 9438.
- power of city to require persons convicted of violations of city ordinances to labor, 3604.

CONVICTION.

- See Criminal Procedure.
- to be had before punishment, 9199.
- punishment only on, 10388.
- of defendant, what necessary for, 10396.
- of defendant, on criminal trial, procedure, 10900.
- bail on appeal after, 11115.

INDEX.

(References are to sections.)

CONVICTION — (continued).

- of one or more defendants, 10704.
- for second offense, effect of, 10340-10343.
- for crime does not work forfeiture of property, 10354.
- of two or more offenses, sentence, 10344.
- conviction as ground of divorce, 4380.
- in one state or county as bar, 10512, 10513.
- bars further prosecution when, 10865.
- See also Jeopardy.

COOPERATIVE ASSOCIATIONS.

- how formed, term of existence, 4603.
- purpose of, 4604.
- cannot loan to stockholders; penalty, 4604.
- officers; management, 4605.
- capital; limit of interest; shares, 4606.
- liability of officers; dissolution, 4607.
- distribution of profits, 4608.
- annual report to dairy commissioner, 4609.

COPYRIGHT.

- duty of secretary of state to copyright state laws, 103.

CORN.

- shelled, weight of bushel of, 3006.
- in the ear, weight of bushel of, 3006.
- rate of taxation of, 2256.

CORN FLOWER.

- as noxious weed, 2900.

CORONER.

§ 1. *In general.*

- election, 3257.
- removal by governor, 685.
- limitation of actions against, 7376.
- bond, 663.
- jury duty, exempt from, 814.
- coroner's warrant for arrest of accused to be returnable to a justice of the peace, 3414.
- warrant for arrest of accused to recite verdict of jury, 3415.
- disposition of dead bodies, payment of expenses, 3417.
- right of the justice of the peace to act as coroner, 3418.
- statement to board of county commissioners as to property found upon dead bodies, 3423.
- schedule of fees authorized to be collected, 3527.
- failure to perform duties of office, guilty of misdemeanor, 9830.
- permitting escape, misdemeanor when, 9390.
- mutilation, etc., of record, felony, 9389.

§ 2. *Inquest, conduct of.*

- form of warrant to sheriff for the summoning of jurors for the holding of an inquest, 3407.
- oath to be administered to juror at inquest, 3408.
- form of returns to be made by jury at inquest, 3411.
- oaths to be administered to witnesses at inquest, 3410.
- jury at coroner's inquest not to disclose name of accused, 3412.
- manner of taking and preserving testimony taken at coroner's inquest, 3416.
- fees of witness attending inquest, 3409.
- jurors' fees for attendance at coroner's inquest, 3534.
- upon death of inmate of penitentiary or reform school, 11298-11302.

INDEX.

(References are to sections.)

CORONER — (continued).

§ 3. Powers.

- to order arrest of person accused of murder, 3413.
- to issue subpoena, 7872.
- to summon bystanders to act as jurors at inquest, 3408.
- to compel attendance of witness at inquest and to punish for contempt, 3409.
- to summons physicians or surgeons to make scientific examination at inquest, 3419.
- to punish for contempt, 3409.

§ 4. Duties.

- in general, 3424.
- as to holding inquest, 3406.
- to serve legal papers, when, 7961.
- to act as sheriff, 3405.
- to serve papers upon sheriff, 3405.
- disposition of property found upon dead body, 3420.
- acts in selecting jurors, when, 822.
- in respect to burial of deceased animals, 2697b.

CORPORAL PUNISHMENT.

- when master of vessel may inflict on seaman, 6153.
- forbidden in penitentiary, 11225.

CORPORATION.

- as to banking corporations, see Banks and Banking, § 4.
- as to bridge companies, see Bridges, § 4.
- as to building and loan associations, see Building and Loan Associations.
- as to cemetery companies, see Cemeteries, § 2.
- as to foreign corporations, see Corporations, Foreign.
- as to educational corporations, see Education, § 3.
- as to agricultural fair, see Fair, § 4.
- as to fraternal associations, see Fraternal Associations.
- as to fraternal beneficiary associations, see Fraternal Beneficiary Associations.
- as to fraternal benefit societies, see Fraternal Benefit Societies.
- as to insurance companies, see Insurance companies.
- as to live stock associations, see Animals, §§ 16, 17.
- as to mining and manufacturing companies, see Mining and Manufacturing Companies.
- as to railroads, see Railroads.
- as to religious corporations, see Religious Corporations.
- as to surety companies, see Insurance Companies, § 10.
- as to annuity, safe deposit and trust companies, see Trust Companies.
- as to wagon road companies, see Highways, § 17.
- incorporation of cities, see Cities, § 2; of towns, see Towns, § 2.

§ 1. In general.

- corporation defined, 4494.
- reserved power of legislative assembly, 4495.
- collateral inquiry into incorporation of, prohibited, 4496.
- corporate name required, 4497.
- corporations classified, 4498.
- public, 4498.
- private, 4498.
- public corporations, how regulated, 4499.
- private corporations, 4500.
- how formed, 4502.
- bonds, how issued, 4559.
- corporate seal, how affixed, 5393.
- term of existence of, 4533.
- renewal of existence, mode of, 4562.

INDEX.

(References are to sections.)

CORPORATION — (continued).

- corporate name, mode of changing, 4563.
- corporate headquarters, how changed, 4564.
- lapse of corporate power, by nonuser, 4566.
- real estate holdings of religious and charitable corporations limited; penalty, 4503, 4504.
- general provisions relating to domestic corporations, 5243.
- secretary of state to keep record of, 5244.
- records to be kept; stock book; publicity, 4560.
- general provisions, for continued existence of present corporation, 5236.
- indorsement of negotiable instruments by, 6906.
- property of, not exempt from execution, 7742.
- § 2. *Incorporation and articles.*
 - articles of incorporation defined, 4501.
 - secretary of state to record, 122, 4513.
 - articles of insurance company to be filed with commissioner of insurance, 172.
 - how amended, 4534, 4561.
 - fees for incorporation, 4509.
 - fee in case of increase of stock, 4510.
 - receipt of state treasurer of incorporation fee to be filed, 4511.
 - secretary of state to issue certificate of incorporation, 4512.
 - certified copies of articles of incorporation to be prima facie evidence of corporate existence, 4514.
 - contents of articles of incorporation,
 - in general, 4505.
 - corporations for constructing wagon roads, telegraph or telephone lines, 4506.
 - railway corporations, 4507.
 - articles to be subscribed by three persons, 4508.
- § 3. *Charter.*
 - forfeiture of charter for unfair competition, 3044.
 - forfeiture of charter for commercial discrimination, 3053.
- § 4. *By-laws.*
 - by whom and when adopted, 4534.
 - what to be provided by by-laws, 4535.
 - record of, 4537.
 - repeal of, 4537.
- § 5. *Directors.*
 - defined, 10024.
 - election of, 4538. 4539.
 - number and powers of, 4541.
 - organization and election of officers, 4542.
 - removal of, 4546.
 - power of,
 - to levy assessment on unpaid stock, 4570, 4571.
 - to act as trustees on dissolution, 4567.
 - liability of, on dissolution, 4568.
 - individual liability of, 4942.
 - knowledge and assent of, when presumed, 10020, 10022.
- § 6. *Officers of.*
 - liability for false certificate or notice, 4545.
 - religious, how officered, 4536.
 - fraudulent appropriation by officer of, as embezzlement, 9931.
- § 7. *Meetings.*
 - meetings of stockholders and board of directors, where held, 4550.
 - meetings. how called, 4552.
 - when called by justice, 4553.
 - when uncalled meeting valid. 4555.

INDEX.

(References are to sections.)

CORPORATION — (continued).

§ 8. *Election in.*

quorum, 4547.
proxy, 4547.
failure of election, 4548.
contest of election, how made, 4549.

§ 9. *Reports.*

attorney-general to prosecute corporations for refusal to make reports, 157.
to state officers, time for making, 94.
manufacturing, to furnish commissioner of agriculture certain information, 164.
fire insurance companies to report fire losses to fire marshal department, 211.
blank forms to be furnished insurance companies by commissioner of insurance, 172.
annual reports,
 required to file statement setting forth its postoffice address, 4515.
 annual report to be filed; fees; penalty, 4518.
 duties of secretary of state, 4518, 4520.
 charters forfeited, validated how, 4519, 4521.
 record of forfeitures and publication of the same, 4522.
 fees, how disposed of, 4523.

§ 10. *Stockholders.*

liability of, 4554.
defined, 4515.
stock of minors how represented, 4516.
actions against stockholder of insolvent corporations, 7997.
liability of stockholders of agricultural fair association, 5113.

§ 11. *Stock.*

kinds of, 4558.
power of corporation to issue preferred, 4558.
enforcement of subscription to, 4524.
books open for subscriptions, 4525.
corporation may forfeit stock or recover subscription, 4526.
stock to be negotiable; how indorsed, 4527.
for what stocks can be issued, 4528.
notes not to be received in payment for stock, 4529.
excess of corporate stock void, 4530.
corporation may own its own stock, 4531.
dividend belongs to whom, 4532.
transfer by nonresidents, 4536.
assessments of,
 when levied, 4570.
 limitation of assessment, 4571.
 when new assessment may be levied, 4572.
 requisites of assessment, 4573.
 form of notice of assessment, 4574.
 service of notice, 4575.
 notice of delinquency in payment of assessment, 4576.
 contents of notice of delinquency, 4577.
 publication thereof, 4578.
 jurisdiction to sell stock, 4579.
 manner of sale, 4580.
 highest bidder defined, 4581.
 when corporation may bid, 4582.
 title to stock purchased vests in corporation, 4583.
 time fixed in notice may be extended by publication, 4584.
 irregularity in notice to not invalidate, 4585.
 redemption; limitation, 4586.

INDEX.

(References are to sections.)

CORPORATION — (continued).

- assessments of — (continued).
 - proof of publication and sale, 4587.
 - stock may be declared delinquent or action brought, 4588.
- § 12 *Powers.*
 - in general, 4533.
 - to increase or diminish capital stock, 4557.
 - to issue preferred stock, 4558.
 - to take under will, when, 5744.
- § 13. *Indebtedness of.*
 - certain corporation to report to bank examiner, 4597.
 - examination of financial condition by state examiner, 4598.
 - when state bank board may take charge, 4599.
 - penalty for false reports and hindrance of examiner, 4600.
 - application of article limited, 4601, 4602.
- § 14. *Dividends.*
 - to be declared from profits only, 4543, 4844.
 - penalty, 4544.
 - of capital stock belongs to whom, 4532.
 - fraternal associations not to declare, 5038, 5039.
 - on securities held by domestic insurance companies, 4851.
 - of savings banks, when payable, 5199.
 - of banking corporations, how declared, 5163.
- § 15. *Taxation of.*
 - included in term person in chapter on taxation, 2074.
 - property of, by whom listed for taxation, 2094.
 - property of, how and by whom listed, 2110.
 - franchise of, where assessed, 2095.
 - stocks as taxable personal property, 2077.
 - stocks and bonds of, as personal property subject to taxation, 2103.
 - fire insurance companies, tax on, to maintain fire marshal department, 216.
- § 16. *Grant of real estate by.*
 - what officers to execute grant, 5512.
 - who executes if officers not empowered to act, 5513.
 - form of corporation signature requisite for transfer of real estate, 5515.
- § 17. *Dissolution of.*
 - modes of, 4565.
 - voluntary, how effected, 4565.
 - involuntary, how effected, 4565.
 - lapse of power by nonuser, 4566.
 - directors to act as trustees on dissolution, 4567.
 - liability of trustees, 4568.
 - how revived, 4569.
- § 18. *Actions by and against.*
 - general provisions,
 - averments as to incorporation, 7981.
 - when plaintiff not required to prove existence, 7982.
 - when misnomer waived, 7983.
 - foreign corporation may sue, defend, etc., 7984.
 - action against foreign corporation which has ceased to exist, 7985.
 - against officers, 7986.
 - for what authorized, 7986.
 - who may bring, 7987.
 - statutory visitorial power not divested, 7988.
 - pleadings by, how verified, 7456.
 - personal service of summons on, how made, 7426.
 - injunction against, how granted, 7531.

INDEX.

(References are to sections.)

CORPORATION — (continued).

- answer of, as garnishee, 7579.
- security for costs in justice's court, 9020.
- actions against insolvent corporations,
 - when action to sequester corporate property, 7989.
 - when action to dissolve, maintainable, 7990.
 - who may commence, 7991.
 - when injunction granted, 7992.
 - when receiver appointed; powers of, 7993.
 - when action proceeds to judgment though creditor bringing settles, 7994.
- actions,
 - when stockholder made defendant, 7995.
 - when made defendants after judgment against corporation, 7996.
 - action against stockholders, procedure therein, 7998.
 - description of property, 7999.
 - when payment enforced against stockholders, 8000.
 - suits by other creditors restrained, 8001.
 - all parties required to come in as parties, 8001.
 - discovery compelled, 8002.
- action to dissolve,
 - by whom brought, 8003.
 - causes for bringing, 8004.
 - attorney-general to bring, 8005.
 - who may if he refuses, 8005.
 - when notice to be given to corporation, 8006.
 - judgment to provide, what, 8007.
 - appointment of receiver, 8007, 8008.
 - costs, how paid, 8010.
 - judgment roll, where filed, 8011.
 - to what corporation chapter applies, 8012.
 - judgment of dissolution, 8013.
- judgment against,
 - sale of franchises to satisfy, 4589.
 - certificate of purchase; rights of purchaser, 4590, 4591.
 - other powers of corporation retained, 4592.
 - corporation may redeem, 4593.
 - sale to take place where, 4594.
- § 19. *Acts prohibited by.*
 - contributions by, for campaign expenses prohibited, 933, 9295, 9299.
 - punishment for forming trust or pool, 9952.
 - of corporate officers, 9953.
 - violating anti-trust law, prohibited, 9953.
 - blacklisting by, prohibited, 9446.
- § 20. *Frauds by or in.*
 - fictitious subscription for stock, 10003.
 - fraud in procuring organization, 10004.
 - unlawful use of names, 10005.
 - unlawful loans by bank directors, 10005.
 - loans not invalid, 10007.
 - sale or pledge of bank notes, 10008.
 - unlawful use of bank notes, 10009.
 - unlawful guarantee or indorsement, 10010.
 - bank officer overdrawing account, 10011.
 - insolvent banks or officers receiving deposits, 10012.
 - omitting to enter receipt of property, 10013.
 - fraudulent destruction of books, 10014.
 - publishing false reports, 10015.

INDEX.

(References are to sections.)

CORPORATION — (continued).

refusal to permit inspection of books, 10016.
insolvency of moneyed corporations deemed fraudulent, when, 10017.
fraudulent acts, how punished, 10018.
violation of duty of directors of moneyed corporation, how punished, 10019.
constructive knowledge of directors, 10020.
assent of directors, when presumed, 10021.
— when director absent from meeting, 10022.
chapter applicable to foreign corporations, 10023.
director defined, 10024.

§ 21. Criminal actions against.

duty of magistrate, 11073.
requirements of summons, 11079.
form of summons, 11079.
manner of service of summons, 11080.
charge investigated, manner of, 11081.
certificate of magistrate; procedure, 11082.
certificate of probable cause; procedure, 11083.
appearance of corporation; pleadings, 11084.
information filed or indictment returned; summons, 11085.
defendant's default; plea; fine, how collected, 11086.
plea in criminal actions against, by whom entered, 10743.
punishment of, for felony, 9204.
false entries in corporate books, as forgery, 9902, 9903.
issuance of false certificates, as forgery, 9893-9895.
counterfeiting seal of, as forgery, 9884.

CORPORATIONS, FOREIGN.

powers to do business in state, when, 5238.
secretary of state to receive process for, 5239, 5240.
liability of officers for failure to comply, 5241.
failure to comply renders all contracts void, 5242.
may sue, defend, etc., 7984.
personal service of summons on, how made, 7426.
must furnish surety for costs, 7812.
attachment of property, 7985.
applicability of chapter as to fraudulent insolvency of, 10023.
may extend railroad into state, 4632.
doing accident and sickness insurance business, licenses for, 4980.

CORPUS DELICTI.

when proven in homicide, 9459.

CORRUPTLY.

defined, 10359.

CORRUPT PRACTICE.

See Elections, § 21; Elections, Primary, § 1.

COSTS.

in arbitration, see Arbitration, § 5.

§ 1. In general.

when allowed, 7789.
attorney's fees as, 7789.
amount of, in specific cases, 7790.
provision for attorney's fees in instrument void, 7791.
when allowed to plaintiff as of course, 7794.
when in discretion of court, 7795.

INDEX.

(References are to sections.)

COSTS — (continued).

- interest on judgment included as, 7799.
- of postponement of action, 7803.
- on dismissal of action, 7797.
- of appeal, 7796.
- provisions for costs on appeal from county court to district court, 8623.
- on appeal from justice, 7793.
- on motion, 7804.
- on change of venue to county sending, 7810.
- manner of collecting, 7811.
- refusal to admit genuineness of instrument, effect on, 7860.
- right to award costs in the decree or order of the county court, 8586.
- against plaintiff, 7805.
- only absolute exemptions allowed on execution for, 7743.
- § 2. *Who liable for.*
 - guardian ad litem liable for, 7402.
 - defendant against whom no personal claim is made, liable for, when, 7424.
 - against the state, 7807.
 - against party in interest, 7808.
 - against assignee, 7809.
 - against trustee to be paid from trust funds, 7806.
 - to be taxed against complaining witness on preliminary examination when, 10610.
 - in criminal actions to be taxed against defendant, 10381.
- § 3. *Security for,*
 - in action against member of militia, 2359.
 - in election contests, 1053.
 - in justice's court, 9020.
 - in quo warranto proceedings, 7972.
 - responsibility of surety, 7813.
 - dismissal when security not given, 7814.
 - security for, on becoming nonresident, 7815.
 - nonresident must furnish surety, 7812.
 - when additional security demanded, 7816.
 - judgment against surety, 7817.
- § 4. *In case of arrest.*
 - of prisoner on civil process, 8491.
 - creditor to advance prison costs, 8493.
 - of prosecution for escape, how paid, 9362.
 - in criminal actions, how enforced, 10382.
 - in criminal actions, imprisonment for until paid, 10941, 10941a.
- § 5. *Taxation of.*
 - taxed in judgment, 7793.
 - method of taxing costs, 3547.
 - notice of taxation; verification, 7800.
 - by village justice of peace, 3929.
 - taxation review on motion, 7802.
 - notice of retaxation; procedure on, 7801.
 - in contest of presidential electors, 1067.
 - in civil actions in county courts of increased jurisdiction, 8957.
 - in proceedings by temperance commissioner, 617.
 - in proceedings for security to keep the peace, 10425.
- § 6. *In particular actions and proceedings.*
 - in proceedings for the collection of taxes on property which had previously escaped taxation, 2302.
 - for violation of article on herding and driving lien upon live-stock, 2611.
 - in action for trespass by cattle, 2630.
 - of proceedings to establish public warehouse on railway right of way, 3122.
 - of proceedings for enforcement of order of railroad commissioners, 4733, 4763.

INDEX.

(References are to sections.)

COSTS — (continued).

- in actions for violation of law relative to demurrage, 4794.
- in garnishment proceedings, 7587.
- on foreclosure of liens, 7792.
- in proceedings for perpetuation of testimony, 7933.
- against insolvent corporation, 8010.
- in partition action, 8040, 8068.
- in foreclosure of mortgage by advertisement, 8098.
- in actions to quiet title, 8152.
- in proceedings to establish dams, 8318.
- on arbitration, 8347.
- on award of arbitrators, 8340.
- on setting aside of arbitrators, 8342.
- in offer of compromise, 7856, 7857-7859.
- in proceedings for change of name, 8499.
- right of creditor to costs in action upon claim allowed in part, 8744.
- in justice's court, 9105-9107.
- in prohibition cases, 10110.
- of proceedings for violation of prohibition law, 10124.

COTTON.

- power of cities as to storage of, 3599 (50), 3818 (45).

COUNSEL.

- power of governor to employ on behalf of state, 111.
- defendant in criminal action, entitled to, 10721.
- in criminal cases, restricted, 10330.
- number to be heard on appeal in criminal cases, 11011.

COUNT.

- food to be sold by, when, 3010.

COUNTERCLAIM.

- how pleaded, 7449.
- may arise out of what, 7449.
- allegations relative to, not denied, deemed admitted, 7467.
- when judgment entered for, 7679.
- judgment on admission of, 7600.
- judgment on, upon failure to reply to, 7453.
- in action to quiet title, 8151.
- not set up in action of forcible detainer in justice's court, 9072.
- See also Set Off.

COUNTERFEITING.

- of trade-marks, 9711.
- of coin, as forgery, 9896, 9897.
- uttering forged coin as forgery, 9906, 9907.
- having counterfeit coin in possession as forgery, 9904.

COUNTIES.

- as to county bonds, see Bonds, State, County and Municipal, § 3.
- § 1. *In general.*
 - to be divided into fire break districts, 2801.
 - seal to be provided, 3265.
 - map of the county, how made, 3279.
 - county records, places for keeping, 3292.
 - property of, as exempt from taxation, 2078.
 - sale of property belonging to the county, 3274, 3294.

INDEX.

(References are to sections.)

COUNTIES — (continued).

- liability of, for state taxes, 2183.
- right of county to take by eminent domain, §203.
- right of county to be purchaser at tax sale, 2191.
- taxes for subsequent years not to be levied on lands bid in by, 2326.
- to refund for void tax sales, when, 2200.
- to share in support of poor, 2508.
- liability of, for expenses of insane persons, 2568-2571.
- liability for costs where venue has been changed, 7810.
- claims against duty of county commissioners to deduct taxes due from persons presenting claims, 4227.
- judgment against county, how paid, 3251.
- evidences of indebtedness issued by counties to bear certificates stating that they are within the debt limit, 3491.
- apportionment of railroads for taxation, 2243.
- what term as used in code of criminal procedure includes, 11180.
- § 2. *Organization in unorganized territory.*
 - procedure, 3191.
 - duty of governor upon presentation of petition for organization of county, 3192.
 - location of temporary county seat, 3193.
 - officers,
 - appointment, 3193.
 - duty to qualify, 3194.
 - division into commissioner districts, 3195.
 - records affecting real estate to be transcribed, 3196.
 - each new county to constitute a subdivision of a judicial district term of court, 3197.
- § 3. *Division of counties.*
 - procedure, election, form of ballot, canvass of vote, 3205.
 - elections, how conducted, 3210.
 - location of county seat in newly organized county, 3208.
 - officers for new county to be appointed by county commissioner, 3207.
 - county commissioners appointed for newly organized county to be governed by existing laws, 3209.
 - justices of the peace and constables to continue to hold their offices, 3207.
 - records to be transcribed upon organization of new county, 3211.
 - division of property, 3213.
 - division of public funds on hand, 3214.
 - apportionment of indebtedness, 3212.
 - revenue of counties upon division of counties, 3227.
 - indebtedness of newly organized county, how paid, 3221, 3222.
 - funds of a newly organized county for payment of existing indebtedness of the territory, 3222.
 - bonds of a newly organized county for payment of existing indebtedness of the territory, 3222.
 - effect upon the judicial district, 3228.
 - terms of district court in newly organized county, 3229.
 - change of venue in actions or proceedings, 3230.
 - organization of new counties as affecting proceedings in pending actions, 3231.
 - right of newly organized county to issue liquidated bonds, 3224.
 - county treasurer of a newly organized county to keep a bond register, 3223.
 - tax for payment of bonds, 3225.
 - as affecting liability of school districts for bonds issued by such district, 3218, 3219.
- § 4. *Change of county lines.*
 - as affected by the area and population, 3202.
 - organization of new county, when authorized, 3205.
 - procedure, election to pass upon the question, 3199.
 - notice of election, how given, 3200.
 - form of ballots, 3201.

INDEX.

(References are to sections.)

COUNTIES — (continued).

- discretion of county commissioners as to the calling of a second election to pass upon the question of changing county lines, 3204.
- county commissioners for new county to be appointed by governor, 3206.
- township officers within transferred territory to continue to hold their respective offices, 3201.
- apportionment and payment of existing indebtedness, 3203.
- effect upon assessment and collection of taxes, 3201.
- effect upon judicial and other official proceedings, 3201.
- § 5. *Organization of McKenzie county.*
 - provisions relative to the organization of McKenzie county, 3245-3249.
- § 6. *Commissioner districts.*
 - county to be divided into commissioner districts to correspond to the number of county commissioners authorized, 3261.
 - redistricting upon enlargement of counties, 3216.
 - provision for change of boundaries of, 3262.
 - redistricting board,
 - how constituted, 3262.
 - duties, in general, 3263.
 - powers, in general, 3262.
 - school districts and road districts within counties are to be renumbered and renamed upon the change of districts, 3217.
- § 7. *County seat.*
 - in newly organized counties, 3193, 3208.
 - trains to be stopped at, 4652.
 - removal of county seat,
 - procedure for removal, petition to county commissioners, 3233.
 - elections for removal, notice, ballots, canvass of result, 3234, 3235, 3236.
 - election to pass upon question of removal to be held only once in ten years, 3239.
 - statement of result of election to remove, 3238.
 - contest of election for removal of, 1051.
 - when change takes effect, 3237.
 - subsequent removal, petition for, 3240.
 - special provisions for removal of county seat, 3241-3244.
- § 8. *County buildings.*
 - See Jails; County Workhouse; Courthouse.
 - power and duties of county commissioners as to the erection of new buildings, 3460.
 - contract for the erection of, duty of county commissioners as to letting, 3296.
 - county commissioners authorized to sell, repair or destroy, 3274, 3297.
 - sale, notice, disposition of proceeds, 3274.
 - duty of county treasurer to insure, 3344.
 - lignite coal to be used for fuel in county buildings, 1828.
 - building funds,
 - creation of, 3287, 3288.
 - expenditure, 3295.
- § 9. *Officers, in general.*
 - See also County Auditor; County Commissioner; County Surveyor; County Treasurer; Sheriff.
 - jurisdiction of county officials, 3232.
 - to be advised on matters relating to the duties of their respective offices by the state attorney, 3376.
 - officers,
 - elective officers in organized counties, enumerated, 3257.
 - to be nominated at primary elections, 852.
 - time for beginning of term of office, 677.
 - duty to furnish state bond, 193.

INDEX.

(References are to sections.)

COUNTIES — (continued).

officers — (continued).

appointment upon organization of county, 3193.

provision for appointment of additional justices of the peace and constables, 3258.

deputy officers,

qualifications, 705.

resignation before entering on duties, 1033.

speculation by county officers, punishment, 10188.

penalty for failure to make official reports, 3542.

§ 10. County boards, in general.

See County Boards.

qualifications of members and officers of, 705.

§ 11. Finances.

accounts,

examination by state examiner, 228.

discrepancies in account with state, how adjusted, 2269.

county budget,

procedure for preparing annual county budget, 3312, 3314.

county funds,

depositories of, how designated, 3315-3329.

for use of state's attorney for trial and investigation of criminal cases, 3382-3386a.

annual statement of the receipts and disbursements of, 3365.

county building funds,

creation of, 3287, 3288.

expenditure, 3295.

extraordinary expenditures,

provision for submission to voters, 3280-3286.

warrants,

manner of drawing county warrant, 3289, 3369.

interest upon, 3306.

registration of warrants, order of payment, 3352.

right to cancel uncalled for, 3272.

issued by county auditor to be numbered, 3307.

§ 12. Unorganized counties.

jurisdiction of justice of the peace in, 9008.

instruments recorded, where, 5559.

judgment against realty in, where filed, 7691.

county commissioner to act as overseer of the poor, in, 2526.

valuation of public service corporations in, 2147.

taxation of railroads in, 2245.

property of public utilities companies to be assessed for state taxes only, 2252.

wolf bounty, how paid, 2654.

ferry license in, how obtained, 2065.

COUNTY AGRICULTURAL AND TRAINING SCHOOL.

See Agricultural College and Schools, § 2.

COUNTY ATTORNEY.

See State's Attorney.

COUNTY AUDITOR.

§ 1. In general.

election, 3257.

bond, 663, 701.

term of office, 3505.

oath and bond of, 701.

salary, 3506.

— deputy, 3507, 3537.

INDEX.

(References are to sections.)

COUNTY AUDITOR — (continued).

- removal by governor, 685.
- duty of county commissioner to provide office for, 3293.
- fees of, as clerk of sale of public land, 307.
- fees of, for recording tax deeds, 2209.
- exempt from jury duty, 814.
- not to purchase real estate at sale for delinquent taxes, 2196.
- liability of,
 - for failure to canvass returns, 9439.
 - for acts of deputy, 701.
 - for failure to make returns respecting hail insurance, 187.
 - prosecution by county commissioner for failure to make settlement or for misapplication of fund, 3375.
 - for failure to perform duties of office, guilty of misdemeanor, 9835.
- § 2. *Ex officio.*
 - clerk of the board of county commissioners, 3366.
 - member of county board to select jurors, 822.
 - member of county board of appraisers, 300.
 - clerk of board of equalization, 2138.
 - member of county canvassing board, 872.
- § 3. *Powers of.*
 - may take acknowledgments within limits of his district, 5564.
 - appoint deputy, 701.
 - to administer oaths, 833.
 - to assign right to unredeemed lands, 2327.
- § 4. *Duties.*
 - in general, enumerated, 3373.
 - to keep office hours, when, 2160.
 - qualify before the first Monday of April succeeding election, 678.
 - to deliver money and records to his successor, 3368.
 - as to taking census, 1892, 1897.
 - as to statistics, 1905-1908.
 - as to feeble minded, 1717.
 - as to homes for orphans, 5104.
 - as to state bounty for wolves, 2640, 2646-2649, 2654.
 - with regard to government licenses, 10153.
 - to issue license for hawkers and peddlers, 3031, 3032.
 - as to abstractors of title, 3091, 3092.
 - to certify to abstracts of title, 3099.
 - in selection of jurors, 822.
 - in regard to hail insurance, 178.
 - as to distribution of seed grain purchased by county, 3481.
 - upon dissolution of township, 4281.
 - to report violations of statistic law, 165.
 - not to record deed until all taxes paid, 2212.
 - where part of tract of land is transferred, 2213.
 - to execute deeds for property bid in by county, when, 2202.
 - in respect to the transfer of deeds, patent or final decree of distribution, 2212.
 - to provide blank forms of bonds for township and school district officers, 670.
 - to issue warrants for highway improvements, 1949.
 - as auditing officer,
 - as to drawing of county warrants, 3369.
 - as to examination of official bonds of township and school district officers, 670.
 - as to auditing account of board of county commissioners in connection with the erection of county buildings, 3461.
 - as to furnishing information,
 - as to distribution of laws, journals and documents, 80.
 - distribution of supreme court reports, 745.

INDEX.

(References are to sections.)

COUNTY AUDITOR — (continued).

- as to furnishing information — (continued).
 - to advertise constitutional amendments, 979.
 - to furnish names of township clerks to state registrars, 457.
 - to inform commissioner of insurance of appointment of official hail insurance adjusters, 181.
 - to notify governor of vacancy in legislative assembly, 1033.
 - to notify road supervisors of proceedings relative to the opening, discontinuing or altering of highways, 1933.
 - to make annual statement as to county funds, 3365.
 - to prepare plat of county showing the boundaries of school districts, 1149.
 - to furnish certain data to state statistician, 1908.
 - to notify state auditor of the organization of new townships, 4076.
 - to furnish county commissioners statement of the amounts necessary for county institutions, 3313.
 - to report to state auditor information filed by railroad and telephone companies, 4816.
 - to send railroad and telephone companies maps of county, 4814.
 - to publish pure food list, 2887.
- as to enforcement of laws,
 - to refrain from issuing order for funds to officer failing to file bond, 670.
 - when assessor fails to complete the terms of statistics, 1906.
 - to enforce provisions relative to branding of cattle, 2636.
 - to enforce provisions of statute relative to reports of property of railroad and telephone companies, 4820.
 - to institute suit against defaulting county treasurer and his surety, 3359.
- as to records,
 - to keep duplicate cash book, 2161.
 - to keep docket book of papers filed, 3371, 3372.
 - to preserve certificates of nominations, 963.
 - to keep record of officers elected in villages, 3858.
 - to number and register county warrants, 3370.
 - to keep accounts current with county treasurer, 3367.
 - to keep record of proceedings of county board of review, 2138.
 - to keep records of official proceedings of the board of county commissioners, 3366.
 - to furnish reports of county commissioners to newspapers, 3310.
 - to retain affidavit for wolf bounty, 2640.
- as to sale of state lands,
 - to return abstract of settlement of a sale of state land to state auditor, 329.
 - to publish notice of adjournment of sale of public lands, 305.
 - to act as clerk of sale of public lands, 307.
- as to elections,
 - with respect to elections generally, 3374.
 - to place name of applicant upon primary election ballot, 854.
 - to deliver ballots to election inspectors, 965.
 - to give notice of list of officers to be nominated, 866.
 - to mail statement of canvassing board to candidates, 873.
 - to transmit abstract of votes at primary election to secretary of state, 874.
 - at primary election where two or more counties form one legislative district, 875.
 - to notify precinct committee-men of election, 889.
 - as to party registration, 918, 919.
 - to publish and post notice of public election, 921, 922.
 - to prepare ballots and poll books, 964.
 - to have election instructions printed, 966.
 - to provide poll books, 967.
 - to publish nominations, 975.
 - to give notice of election, 981-982.
 - as to absent voter ballot, 995-1004.

INDEX.

(References are to sections.)

COUNTY AUDITOR — (continued).

as to elections — (continued).

- to call canvassing board together, 1009.
- to make abstract of votes, 1009.
- to issue certificate of election, 1009.
- to issue certificate on tie vote, 1010.
- to forward abstract of votes to secretary of state, 1013.
- to provide blanks for registry, 1103.

as to taxation, in general,

- to furnish books and blanks to assessors, 2123, 3642.
- to furnish list of taxable lands to assessors, 2123.
- to examine assessment book and have returns corrected, 2136.
- as to correction of assessment roll, 2136, 2137.
- to calculate changes of assessment list made by county board of review, 2140.
- on receipt of proceedings of state board of equalization, 2143.
- to make statement of amount of state taxes abated, 2165.
- to make monthly settlement with treasurer of taxes collected, 2180.
- to keep account with township of taxes paid, 2181.
- to furnish state auditor with abstract of tax list of county, 3253.
- to correct false lists and returns, 2216.
- as to recording proceedings for assessment of benefits in drain proceedings, 2470.
- to keep a special assessment record, 3729.
- to appoint township assessors where the township board has failed to fill the vacancy, 4174.

as to making out tax list,

- to fix rate of taxation, 2148.
- to acknowledge receipt of tax levy, 2149.
- to make out tax list, 2152.
- as to making out tax list for city taxes, 4046.
- to include in tax list annual tax for state educational institution, 1417, 1744.
- to levy poll tax for support of the public schools, 1224.
- to enter bankrupt stocks on tax roll, 2254.
- to enter grain on tax roll, 2258.
- in respect to taxation of coal mines, 2120.
- to make list of property escaping taxation, 2202.

special assessments and taxes,

- special taxes for improvement of streets and sidewalks in villages, 3879.
- village taxes in making out tax list, 3875.
- assessments against abutting property owners for the building or repair of sidewalks in villages, 3906.
- police tax levied in unorganized towns and villages, 3908.

delinquent taxes,

- property escaping taxes, 2217.
- as to list of uncollected taxes, 2169.
- upon removal of delinquent taxpayer, 2176.

as to land forfeited or sold for taxes,

- to make list of lands forfeited to state for failure to pay taxes, 2307.
- not to extend notations for regular tax sale against lands sold under judgment for same, 2322, 2323.
- to give notice of sale of real estate for delinquent taxes, 2189.
- to make record of sale of real estate for taxes, 2195.
- to keep tax deed record, 2207.
- to give notice of expiration of redemption, 2223.
- as to redemption of lands where owner dies after sale, 2224.
- to execute deeds to purchaser at sale of real property for taxes, 2205, 2206.

INDEX.

(References are to sections.)

COUNTY BOARDS.

See County Commissioners.

as to county board of review and equalization, see Taxes, § 11.

as to county board of health, see Health, § 2.

as to county canvassing board, see Elections, Primary, § 5; Elections, § 12.

as to county committee, see Elections, Primary, § 8.

as to county board of appraisers, see Public Lands, § 4.

qualifications of members and officers, 705.

COUNTY BONDS.

See Bonds, State, County and Municipal, § 3.

COUNTY BUDGET.

procedure for preparing, 3312, 3314.

COUNTY BUILDINGS.

See Counties, § 8.

See also Jails; County Workhouse; Courthouses.

COUNTY COMMISSIONERS.

§ 1. *In general.*

to be nominated at primary election, 852.

election, 3257.

appointment of county commissioners upon division and organization of new county, 3206.

number of, 3257.

— may be changed, how, 3260.

— procedure for the increase or reduction of the number of county commissioners, 3260.

bond, condition and amount of, 667.

qualifications of members and officers of county boards, 705.

term of office, 3264.

removal by governor, 685.

vacancies, how filled, 697.

compensation, 3533.

jury duty, exempt from, 814.

chairman,

election, 3267.

duties in general, 3267.

state's attorney to be legal adviser of the board, 3376.

time and place of holding meetings, 3266.

tie vote withholds decision of board until next meeting, 3268.

session of board to be public, 3200.

copies of proceedings by the board of county commissioners certified by the county

auditor to be received as evidence in all courts of the state, 3269.

proceedings of the board to be published in three newspapers in the county. legal rate therefor, 3308, 3309.

record of official proceedings to be kept by county auditor, 3366.

appeal from decision of boards of county commissioners, procedure, 3298-3301.

settlement of accounts of county officers, 3303-3305.

proceedings for preparing annual county budget, 3312, 3314.

settlement of disputed claims, 3449, 3450.

agreement for false assessment, misdemeanor, 9831.

§ 2. *Ex officio.*

member of board of appraisers, 300.

fence viewers in counties not divided into civil townships, 4316.

chairman of, as member of county canvassing board, 872.

to act as overseer of the poor in unorganized counties, 2526.

county auditor ex officio clerk of board of county commissioners, 3366.

INDEX.

(References are to sections.)

COUNTY COMMISSIONERS — (continued).

appointments to be made by,

- official adjuster of hail insurance, 181.
- inspectors of election in unorganized townships, 952.
- to fill vacancies in county, and precinct offices, 696.
- to appoint census enumerators, 1899.
- to appoint county superintendent of highways, 1990a.
- to appoint live stock inspector, 2755.
- to appoint sheep inspectors, when, 2741.
- to appoint fire wardens, 2801.
- to appoint county officers for newly organized county, 3207.
- appointments in newly organized county to be governed by general provisions of existing laws, 3209.
- township officers where the township failed to hold the annual town meetings and elect officers, 4155.
- drain commissioners, 2462.
- to appoint forest fire wardens in organized townships, 4291.

§ 3. Powers.

- in general, enumerated, 3273.
- to preserve order and punish for contempts, 3270.
- authorized to administer oaths, 833.
- to bind minor, when, 4476.
- may purchase poor farm, when, 2520.
- to refuse to aid in support of poor, when, 2508.
- to remove delinquent county treasurer, 3360.
- to require county treasurer to give an additional bond, 3361.
- to remove sheep inspector, when, 2754.
- to sell property of the county, 3274.
- to purchase ground and award contract for erection of county buildings, 3460.
- accounts for erection of county buildings, how audited, 3461.
- to sell, repair, or destroy county buildings, 3297.
- to entertain original jurisdiction in organized counties only, 2499.
- in respect to levying taxes for promotion of diversified farming, 2263.
- in respect to levying taxes for the prevention of tuberculosis, 2266-2268.
- to levy a special tax for the promoting of immigration to the state, 3277, 3278.
- to issue warrants for the purchase of seed grain in lieu of issuing county bonds, 3478.
- to issue warrants upon county treasurer, 3289.
- to cancel and destroy warrants drawn on county funds, when, 3272.
- authorize county officers to employ additional help, 3539.
- in reference to preservation of town and city plats, 3953.
- commissioners of newly organized counties authorized to issue liquidating bonds and levy taxes to provide for payment, 3224, 3225.
- to forfeit land not limited by article for tax judgment sales, 2345.
- to have map of the county made from the original survey by the United States, 3279.

§ 4. Duties.

- in general,
 - to appraise estrays, 2661.
 - as to bounty for killing wolves, 2640.
 - as to apprenticeship, 4488.
 - as to abstractors of title, 3090, 3093.
 - to make examinations of trees planted for bounty, 2816.
 - to establish scales, 3016, 3017.
 - to purchase duplicate weights and measures, 3001.
 - in respect to right of way for telephone-lines, 5144.
 - as to electric railway right of way, 5145.
 - upon presentation of petition for changing name of a town or village, 3976.
 - prepare estimates and tabulations for the annual county statement, 3314.

INDEX.

(References are to sections.)

COUNTY COMMISSIONERS — (continued).

in general — (continued).

- as to examination of records of county officers, 3543.
- as to submit question of removal of county seat to voters, 3234.
- as to jail inspection, 11322.
- to fix the number and amount of compensation of deputy clerk of the district court, 3496.
- to designate newspapers qualified to publish the proceedings of the board as provided by law, 3307.
- to divide the county into commissioner districts to correspond to number of county commissioners authorized, 3261.
- to provide and keep a seal for the county, 3265.
- to designate place for sales in chattel mortgages, 8133.
- to enforce obedience to its orders of attachment and other compulsory process by the imposition of fines, 3270.
- to hear appeal from decision of overseers of the poor, 2513.
- to prosecute in bastardy proceedings, when, 10494.
- as to county buildings,
 - to create a county building fund, and transfer unexpended balances from certain funds, 3287.
 - as to erection and repair of county buildings from current revenue, 3294.
 - as to expenditure of county building fund, 3295.
 - as to letting contract for the erection of county buildings, 3296.
- as to drains,
 - to keep a record of the proceedings for the establishment and construction of drains, 2484.
 - to keep drains open and in repair, 2486.
 - to make rules and regulations for the repairing and keeping open of drains, 2487.
- as to highways, bridges, etc.,
 - where proceedings are taken for laying out highway, 1921-1939.
 - to order survey for highways, 1947.
 - in respect to improvements of highway, 1948.
 - to advertise for bids to construct bridges, 1951.
 - to supervise and repair bridges, when, 1953.
 - to apportion cost of bridges over rivers, 1955.
 - in respect to highways across bridges over navigable rivers, 1955, 1956.
 - to apportion road tax, when, 1959.
 - to apportion county into road districts, 1959.
 - to appoint road supervisors, 1960.
 - to expend road taxes, 1971.
 - to levy tax for paying road commissioner, when, 1972.
 - to give permission for private improvements of highways, 1992.
 - to fix per diem rate of road labor, when, 2015.
 - to grant ferry license, 2063.
 - to declare ferry leases void, when, 2070.
 - to post notices on bridges, 2055.
 - in respect to wagon road corporations, 4822-4824.
 - to issue authority to bridge companies to collect tolls, 4990.
- as to agriculture,
 - as to destruction of noxious weeds, 623, 624, 2817, 2818.
 - in respect to agricultural training school, 1465.
 - as to county fairs, 1867, 1874.
 - to require itemized statement from sheep inspectors, 2746.
 - to pay for burial of animals infected with contagious disease, 2697b.
 - to provide tools and appliances to prevent spread of prairie fires, 2800.
 - as to the construction of fire breaks, 2802-2805.
 - as to destruction of grasshoppers, 2868.
 - as to extermination of gophers, 2869-2872.

INDEX.

(References are to sections.)

COUNTY COMMISSIONERS — (continued).

- as to agriculture — (continued).
 - as to distribution of seed grain purchased by county, 3479, 3480.
 - to arrest and prosecute persons misappropriating seed grain furnished by the county, 3485.
 - to advertise intention to distribute seed grain, 3486.
 - to offer reward in case of injury to farm buildings, 10087.
- as to live stock,
 - as to formation of stock district, 2618.
 - in respect to Texas cattle, 2676.
 - to establish dipping tank stations, when, 2780.
 - to make appropriation for dipping stations, 2781, 2782.
 - in respect to live stock protective associations, 2787-2789.
- as to boundaries of counties, townships, etc.,
 - to order an election to pass upon the question of changing county lines, 3099.
 - as to calling a second election to pass upon the change of county lines, 3204.
 - to redistrict territory upon organization of new county, 3215.
 - to redistrict county upon enlargement by the addition of unorganized territory, 3216.
 - to perpetuate section corners and quarter posts, 3437.
 - upon the presentation of petition for extension of the corporate limits of villages, 3901.
 - to establish monuments fixing section corners in unorganized townships, 4246.
 - as to the preservation of section corner monuments in unorganized townships, 4286-4290.
 - upon the presentaton of petition for incorporation of villages, 3844, 3845.
 - upon the presentation of a petition for the organization of townships, 4072.
 - upon presentation of petition for the division o forganized townships, 4081, 4082.
 - submit the question of change of county seat to voters at general election, 3234.
- as to financial matters,
 - to superintend fiscal affairs of county, 3276.
 - to issue warrants upon county treasurer, 3289.
 - as to raising revenue for payment of judgments against county, 3251.
 - to submit to voters question of making extraordinary expenditures of county funds, 3280-3286.
 - to provide a fund for the use of state's attorney in the preparation and investigation of criminal cases, 3382-3386a.
 - in respect to settlement of account of county treasurer, 3363.
 - to prosecute county auditor for failure to make settlement or for misapplication of public funds, 3375.
 - as to examination and settlement of accounts of county treasurer, 3343.
- as to records,
 - to keep record books of all its proceedings, 3271.
 - to transcribe records required to be kept in county offices upon organization of new counties, 3211.
- as to care of children and other dependents,
 - to bring action for support of child, 4430.
 - in respect to the adoption of children, 4444.
 - in respect to dependent children, 5109, 5110.
 - to approve bonds given by foreign societies maintaining homes for orphans, 5108.
 - as to feeble minded, 1717, 1719.
 - in respect to treatment of drunkards, 3164.
- as to schools,
 - to organize school district, 1141.
 - to pay salary of county superintendent only upon his filing report with superintendent of public instruction, 1125.
 - in establishment of agricultural school in two or more adjoining counties, 1466.
- as to elections,
 - to divide county into election precincts, 950.

INDEX.

(References are to sections.)

COUNTY COMMISSIONERS — (continued).

- as to elections — (continued).
 - to provide ballot boxes, 968.
 - to canvass votes, when, 1009.
 - in respect to contest of county seat elections, 1055.
 - upon the presentation of a petition for the holding of an election to pass upon the question of increasing the jurisdiction of the county court, 8926.
- as to taxation,
 - to abate taxes, when, 2165.
 - as to list of uncollected taxes, 2169.
 - to equalize assessment of bankrupt's stocks, 2255.
 - to levy state tax, when, 2260.
 - to levy gopher tax, 2261.
 - to make list of unpaid state tax, 2271.
 - in respect to assessment of property which had escaped taxation, 2292-2294.
 - to award advertising for tax judgment sales, 2334.
 - to institute and conduct proceedings for judgment against land sold to state or county for taxes, 2306.
 - as to assessment in unorganized counties, 2225.
 - to levy tax for the payment of interest upon county bonds and to provide for payment of bonds, 3453.
 - as to assessments, levy and collection of taxes in villages, towns or cities embracing territory in more than one county, 3564d.
 - as to acceptance of city assessment roll, 3646.
 - deduct taxes due from persons presenting claims against the county, 4227.
 - as to assessment and levy of taxes in townships which have been dissolved, 4280.
- to provide certain office buildings, etc.,
 - provide jail, 3293.
 - provide place for holding court, 3293.
 - provide offices for certain county officials, 3293.
 - to provide room for jury, 10868.
 - to provide food and lodging for jury, 10869.
 - provide rooms for keeping of public records, penalty for neglect, 3292.
 - furnish county superintendent of schools with office and supplies, 1138.
 - provide office for state's attorney, 3493.
 - to provide office for grain commissioners, 2462.

COUNTY COURT.

- officers and proceedings in, see Courts, County; also Courts, County Court with Increased Jurisdiction.
- as to clerk of county court, see Courts, Clerks of, §§ 3, 4.

COUNTY FAIRS.

- See Fairs, § 3.

COUNTY INSTITUTION.

- officers in charge to furnish statement for use in preparing county budget, 3312.

COUNTY JUDGE.

- See Courts, County, § 3; also Courts, County Court with Increased Jurisdiction, § 3.

COUNTY LIVE STOCK PROTECTIVE ASSOCIATION.

- See Animals, § 16.

COUNTY SEAT.

- See Counties, § 7.

INDEX.

(References are to sections.)

COUNTY SUPERINTENDENT OF HIGHWAYS.

See Highways, § 7.

COUNTY SUPERINTENDENT OF SCHOOLS.

See Schools and School Districts, § 23.

COUNTY SURVEYOR.

§ 1. *In general.*

- election, 3257.
- term of office, 3425.
- bond, 3425.
- removal by governor, 685.
- surveyor from adjoining county to act for county surveyor, when, 3429.
- liability for acts of deputy surveyor, 3426.

§ 2. *Compensation of.*

- schedule of fees authorized, 3532.
- fees for road surveys, 1950.
- fees for replacing section corner monuments, 4289.
- fees for surveying and platting cities and towns, 3949.

§ 3. *Subordinates.*

- deputies,
 - number of authorized, appointment, 701, 3426.
 - bond, 701.
 - oath, indorsement on bonds, 703.
- assistants,
 - how paid, 3437f.
 - oath of assistants, 3434.
- chainmen,
 - how paid, 3437f.
 - character of chainmen to be employed for surveys in disputed cases, 3437c.
 - oath of chainmen employed to assist county surveyor, 3434.

§ 4. *Duties.*

- as to the making of surveys, 3428.
- as to preservation of section corner and quarter posts, 3437.
- as to section corner monuments, 4288.
- to procure copies of the sealed notes and plats of the original surveys by the United States, 3432.
- to deliver all papers to his successor in office, penalty, 3431.

§ 5. *Surveys.*

- form in which surveys are to be made, 3433.
- re-survey and subdivisions, how made, 3437b.
- surveys in disputed cases, 3437c.
- location of corners, expenses how paid, 3435.
- presumption as to correctness of surveys made by county surveyor or his deputies, 3428.
- certificate of survey made by county surveyor as presumptive evidence of facts therein contained, 3427.

§ 6. *Records.*

- records to be kept by county surveyor, 3430, 3437.
- of sealed notes and plats, 3437a.
- form of records, 3437d.

COUNTY TREASURER.

§ 1. *In general.*

- election, 3257.
- eligible for two terms only, 3259.
- exempt from jury duty, 814.
- refusal to give additional bond as vacating office, 686.
- removal by governor, 685.

INDEX.

(References are to sections.)

COUNTY TREASURER — (continued).

- removal by county commissioners, 3360.
- deputy,
 - bond, 701.
 - oath, indorsement on bond, 701.
 - salary, 3513, 3537.
- embezzlement by, 9930.
- salary and fees,
 - salary, 3512.
 - compensation,
 - for receiving and disbursing of funds received from the sale of county bonds, 3464, 3476.
 - for the sale or exchange of county bonds, 3455.
 - fees for certifying abstract of title to real estate, 3345.
 - fees for collections on state lands, 328.

§ 2. Bond.

- character of, 664.
- amount of, 327, 663, 664.
- premium of paid by county, 664.
- to be filed with county auditor, 662.
- number of sureties required, 673.
- liability for default, 2183.
- covers duties as to school lands, 327.
- additional bond may be required, 665.
- right of board of county commissioners to require, 3361.
- upon receiving proceeds of county building bonds, 3464.
- upon receiving proceeds of seed grain bonds, 3475.
- penalty for failure to furnish, 666.

§ 3. Accounts.

- method of keeping, 3342.
- duty to exhibit to state, county or school officers, 3342.
- duty to render account with county commissioners, 3303-3305.
- to be examined and settled by board of county commissioners, 3343.
- right to be credited with interest paid on warrants or orders, 3363.
- final settlement of, how made, 2184.

§ 4. Powers.

- appoint deputy, 701.
- to summon posse, 2158.
- to certify to abstracts of title, 3096.
- right to apply for letters of administration upon estates of decedents, 8988.

§ 5. Duties.

- in general,
 - enumerated, 3341.
 - custodian of,
 - drain funds, 2475.
 - proceeds from sale of county seed grain bonds, 3474.
 - to qualify on or before first Monday of May succeeding election, 678.
 - to keep office open, when, 2160.
 - to act as treasurer of county agricultural school, 1468.
 - to act as treasurer of board of trustees of agricultural training school, 1457.
 - to pay over moneys collected after settlement with auditor, 2182.
 - to render account with county commissioners, 3303-3305.
 - to assist in canvass of elections, 1009.
 - as to selection of jurors, 822.
 - in respect to fees for leasing public land, 263.
 - as to payment on school lands, 326.
 - to hold and retain moneys from sale of estrays, 2064.
 - to destroy scalp of wolf for which bounty has been paid, 2640.

INDEX.

(References are to sections.)

COUNTY TREASURER — (continued).

in general — (continued).

- as to the auditing account of the board of county commissioners in connection with the erection of county buildings, 3461.
- to collection forfeitures due county, 2156.
- as to property about to be removed from the state, 2106.
- to pay indigent witness in criminal trial, 11023.
- as to disposition of property found upon dead body by coroner, 3421, 3422.
- as to insurance on county property, 3344.
- with respect to hail insurance, 180.
- to certify abstract of title to real estate showing the amount of taxes due and unpaid or tax title affecting the land; fees, 3345.
- as to disposition of fees of clerk of district court, 3497.
- to prosecute clerk of district court for violation of duty, 3388.
- in relation to property in towns, cities and villages situate in more than one county, 3564e.
- as to road labor receipts, 2010.
- to deliver to successor, what, 2184.
- failure to perform duties of office, guilty of misdemeanor, 9835.
- as to taxes,
 - ex officio collector of taxes
 - for whatever purpose levied, 2156.
 - for county purposes, 3342.
 - for cities, 4047.
 - for villages, 3876.
 - for villages in one or more counties, 3940.
 - in respect to collection of taxes, in general, 2155–2163.
 - to give notice of rate of taxation and time of payment, 2155.
 - to appoint deputy treasurer, when, 2155.
 - as to the collection of city taxes, 3682, 4047.
 - as to collection of special assessments for public improvements in cities, 3729.
 - as to adding penalties and interest on collection of special assessments, 3732.
 - as to collection of taxes in villages for sidewalks, 3906.
 - to collect tax levied to pay judgment against school district, 1223.
 - as to collection of school taxes, 1221, 3682.
 - to collect drain taxes, 2475.
 - as to collection of tax on live stock of non-resident owner, 2227.
 - to give notice of unpaid taxes, 2166.
 - to make list of unpaid personal taxes, 2166.
 - to return certified list of uncollected taxes to auditor, 2188.
 - to furnish state auditor monthly statement of taxes collected, 3254.
 - to make monthly settlements with auditor for taxes collected, 2180.
 - to report state tuition fund to state auditor, 1209.
 - to report erroneous assessment to auditor, 2163.
 - to report to township clerks as to money belonging to the township, 3346.
 - to keep account with township of taxes paid, 2181.
 - to pay to state treasurer monthly, funds collected for the state, 3255.
 - as to the payment of village taxes to village treasurer, 3876.
 - as to payment of road taxes, 4050.
 - to receive orders in payment of taxes, when, 2162.
 - to receive road warrants in payment of taxes, 3356, 3357.
 - upon payment of taxes after judgment, 2179.
 - as to receipt and payment of inheritance taxes, 8980, 8984, 8998.
 - as to purchasing real estate at sale for delinquent taxes, 2196.
- as to county funds,
 - as to receiving and paying out county funds, 3341.
 - as to speculation in county funds, penalty, 3362.

INDEX.

(References are to sections.)

COUNTY TREASURER — (continued).

- as to county funds — (continued).
 - as to annual statement of county funds, 3365.
 - as to the payment of bridge funds, 4051.
- as to school funds,
 - as to payment of school moneys to school district treasurer, 1219.
 - to keep account with each school corporation, 1220.
 - to transmit to state treasurer fund received from teachers' insurance and retirement fund, 1513.
 - to receive funds of teachers' insurance and retirement fund, 1508.
 - as to annual statement of school funds, 1220.
- as to county bonds,
 - to keep a record of all county bonds issued, 3452.
 - to register bonds issued by county, 3223.
 - to pay county bonds at maturity, 3454.
 - as to payment of interest and principal on county seed grain bonds, 3476.
 - as to payment and cancellation of county building bonds, 3466.
- as to warrants,
 - order of payment of warrants, 3350.
 - registration of warrants, 3350.
 - redemption of warrants, 3356, 3357.
 - as to keeping warrant book; form of book, 3349.
 - as to keeping warrant register, form of register, 3351.

§ 6. Penalties.

- for failure to perform duties, 9835.
- for loaning county funds or using the same for his own purpose, 3364.
- for delivery of false tax receipt by, felony, 10258.
- for embezzlement, 9930.
- liability for acts of deputy, 701.
- liability of, for state taxes, 2183.
- duty of county auditor to institute suit against defaulting county treasurer, 3359.

COUNTY WORK HOUSES.

- how provided for, 11318.
- vote on proposition, 11319.
- form of ballot, 11320.

COURT HOUSES.

- as exempt from taxation, 2078.
- width of doors in, 2995.
- doors to swing out, 2995.
- selling liquor in, misdemeanor, 9425.

COURT MARTIAL.

- powers of, not affected by penal code, 10379.
- generally, see Militia, § 30.

COURTS.

- as to justices' court, see Justice of the Peace.
- as to police magistrate, see Cities, § 18.
- military courts, see Militia, § 30.
- enumerated, 7336.
- sitting of courts to be public, exception, 7337.
- courts not open on Sunday and holidays, 7338.
- jurisdiction of magistrate on said days, 7338.
- courts of record enumerated, 7336.
- duty of county commissioners to provide place for holding court, 3292.
- when authorized to use temporary seal, 1913.
- is trustor, when, 6297.
- care of sick children, 11413.

INDEX.

(References are to sections.)

COURTS — (*continued*).

- prejudice and bias of judge as cause for change, 7643.
- when injunctions to stay proceedings in courts should not be granted, in general, enumerated, 7214.
- decisions of, as an expression of law, 4328.
- racing near, misdemeanor, 9424.
- duties of,
 - to determine punishment, 9202.
 - in respect to evidence required in actions for divorce, 4400.
 - in respect to dissolution of marriage, 4379.
 - as to charge to grand jury in prohibition cases, 10129.
 - to determine the amount of assessment due in action to test the validity of assessments for local improvements, 3768.
- when to sit for condemnation proceedings, 8217, 8218.
- special term of court for condemnation proceedings in public improvements, 3737.
- powers of, in condemnation proceedings, 8222.
- jurisdiction of,
 - to compel attendance of witness before board of inquiry of railroad commissioners, 4739.
 - to review insurance commissioner's action upon form of policy, 6635f-6640.
- no party ballot for judiciary, 904.
- separate ballot for judicial nominations at primary election, 905.
- separate ballot for, at general elections, 906.
- attempt to intimidate judges, 9403.

COURTS, CLERKS OF.

§ 1. *Clerk of supreme court.*

- as member of state board of canvassers, 876.
- custodian of state law library, 1843.
- appointment, term of office, 772.
- bond, 723.
- oath, 723.
- salary, 727.
- exempt from jury duty, 814.
- powers,
 - to appoint deputy, 723.
 - to administer oaths, 833.
 - to take acknowledgments, 5563.
 - to take deposition, 7891.
 - to issue subpoena, 7872.
- duties,
 - to procure necessary supplies for the court, 724.
 - to transmit decisions of court, 7844.
 - to furnish reporter copies of records and opinions, 734.
 - to furnish copy of syllabi for publication, 726.
 - to file with the state auditor statement of fees received, 729.
 - to pay fees into state treasury quarterly, 729.
- right to require fees to be paid in advance or security given, 3548.
- when duties may be performed by deputy, 725.
- appropriation for, 652.

§ 2. *Clerk of district court.*

- ex officio,
 - clerk of county court with increased jurisdiction, 9870.
 - member of county canvassing board, 872.
 - member of county board to select jurors, 822.
- election, 3257.
- bond, 663.
- salary, 3494

INDEX.

(References are to sections.)

COURTS, CLERKS OF — (continued).

deputy,

- number of deputies, how determined, 3496.
- qualifications, 704, 705.
- bond, 701.
- oath, indorsement on bond, 701.
- compensation, 3496.

office, duty of county commissioners to provide, 3293.

notice may be served on for non-resident, when, 7957.

exempt from jury service, 814.

entitled to legislative journal, 75.

powers,

- to adjourn court, 3389.
- to take depositions, 7891.
- to issue subpoenas, 7872.
- to administer oaths, 833.
- to certify to abstracts of title, 3096.
- to appoint deputy, 701.

duties,

- in general, enumerated, 3387.
- in attachment, 7540-7543.
- to act in selection of jury, 822.
- in drawing jurors, 823, 825.
- to make list of names of jurors furnished him, 821.
- as to criminal jury, 10775.
- to issue bench warrant, when, 10929.
- to issue subpoenas in criminal actions, 11027.
- to record verdict in criminal case, 10898.
- to enter orders in minutes of criminal cases, when, 10907.
- with respect to testimony taken before coroner's jury, 3416.
- as to preservation of records, 843.
- to keep a register of actions, 7967.
- to enter cause on calendar, 7610.
- to keep judgment book, 7635.
- to copy insolvency records, 8350.
- to docket judgments, 7699.
- to make judgment roll, when, 7693.
- to file transcript of judgment, 7695.
- to enter judgment of justice's court, 7705.
- to enter assignment of judgments, 7700.
- to enter affidavits for renewal of judgment, 7694.
- where judgment docketed has been canceled, 7702-7704.
- as to mechanic's liens, 6821.
- as to miner's lien, 6840.
- as to securities in partition action, 8063.
- on appeal from justice's court, 9170.
- as to certificate of record on appeal, 7822.
- as to transmitting decisions upon appeal from the county court, 8624.
- when change of venue is ordered, 10759-10764.
- to transmit papers on change of venue, 10850.
- as to delinquent taxpayers, 2177.
- to satisfy tax judgment, how and when, 2179.
- to attach together and preserve papers in tax judgment sales, 2343.
- to deliver transcript to sheriff in tax judgment sales, 2335.
- as to lands forfeited to the state for failure to pay taxes, 2308, 2311, 2316, 2333.
- as to stolen money and property, 11035.
- to keep register of partnership doing business under fictitious names, 6431.

INDEX.

(References are to sections.)

COURTS, CLERKS OF — (continued).

- fees,
 - schedule of fees to be charged, 3498.
 - duty to keep fee bill posted, penalty, 3549.
 - right to require a deposit as security for fees, 3499, 3548.
 - duty to keep a fee book showing amount of fees received, penalty for neglect, 3495.
 - duty to report to county auditor amount of fees collected, penalty for neglect, 3495.
 - disposition of excess of fees, 3497.
 - in relation to delinquent taxpayers, 2177.
- bill of expenses for trial in action from another county, 7811.
- amercement of, 7771.
- penalty for neglect of duty, 3388.
- appropriating money, when felony, 8389.
- mutilation, etc., of record, felony, 8389.
- permitting escape, misdemeanor when, 9390.
- making false certificate, misdemeanor, 9440.
- disclosing presentments of grand jury, misdemeanor, 9433.
- disclosing deposition, misdemeanor when, 9422.
- liability for acts of deputy, 701.
- removal by governor, 685.
- § 3. *Clerk of county court.*
 - appointment, qualification, 8520.
 - exempt from jury duty, 814.
 - powers,
 - in general enumerated, 8521.
 - to administer oaths, 833.
 - to act as attorney, executor, administrator, guardian or appraiser, 8520.
 - duties as to inheritance taxes, 8997.
 - responsibility for official acts, 8520.
- § 4. *Clerk of county court with increased jurisdiction.*
 - appointment, 8970.
 - term of office, 8970.
 - salary, 8970, 8972.
 - bond, 8971.
 - clerk of district court ex officio clerk of, 8970.
 - powers and duties,
 - in general, enumerated, 8931, 8970.
 - to give abstracts of judgments, 8943.
 - fees authorized to be collected, 8958.

COURTS, COUNTY.

- See also Courts, County Court with Increased Jurisdiction.
- actions by and against executors and administrators, see **Executors and Administrators**, § 8.
- § 1. *In general.*
 - establishment and organization, 8514.
 - seal, 8516.
 - to be a court of record, 8514.
 - time and place of holding county court, 8515.
 - provision for holding court by judge of adjoining county, 8529.
 - right of law partner of county judge to practice in county court, 8519.
 - office of county judge,
 - where kept, how provided, 8517.
 - time for keeping office open, 8518.
 - contempts,
 - refusal or neglect to obey decree or order, 8588.
 - power to punish for, 8534 (6).
 - punishment for contempt as a bar to an action, 8589.

INDEX.

(References are to sections.)

COURTS, COUNTY — (continued).

amendments,

- to pleadings and motions, 8591.
- to process, 8590.
- costs upon the allowance of amendments, 8592.

depositions for proceedings in county court, 8578.

powers,

- in general, enumerated, 8525, 8534.
- to issue process and enforce obedience thereto, 8534.
- to postpone proceedings and hearings, 8534 (2).
- to compel the attendance of persons, 8534 (3).
- to restrain an executor, administrator or guardian, 8534 (4).
- to require persons to perform duties imposed by statute, 8534 (5).
- as to orders and decrees, 8534 (7) (8).
- as to unfinished business, 8534 (9).
- to make and certify transcripts, 8534 (9).
- to exercise incidental powers, 8534 (10).
- to act according to the code of civil procedure, 8534 (10).
- as to money in hands of an executor or administrator, 8840.
- as to sale of personal property in hands of an executor or administrator, 8839.
- as to sale of devised property, when, 5726.
- to appoint referee to examine the accounts of executors and administrators, 8836.
- to order partition in final decree of distribution of estate of decedent, 8849, 8851-8853.
- to require public administrator to account, 3448.
- in respect to trust companies, 5218.
- as to persons of unsound mind, 4474.

duties,

- to canvass votes, when, 1009.
- as to railroad's right of way over lands of decedent or ward, 8234.

costs,

- right to award costs in an order or decree, 8586.
- right to award costs upon authorizing an amendment, 8592.

fees,

- upon filing a petition for guardian, 3503.
- for appointment of guardian, 3503.
- for taking out letters of administration or letters testamentary, 3503.
- of sheriff for performance of duties required by law, 3516.
- for executing mandates of the court, 8523.

§ 2. Jurisdiction.

- in general, enumerated, 8524.
- extent of, 8531.
- over adjoining unorganized territory, 8528.
- method of obtaining jurisdiction, 8530.
- by issuance of citation, 8549.
- appearance of parties as conferring jurisdiction, 8530.
- objections to jurisdictional matters, how taken, 8532.
- exercise of jurisdiction as excluding subsequent exercise by another court, 8531.
- in criminal actions, 10402.
- to take the proof of a will, 8526.
- to grant letters testamentary, 8626.
- to grant letters of administration, 8526.
- to determine heirship, 8526.
- to appoint guardian, 4458, 8527.
- procedure to increase jurisdiction of county court, 8926, 8927.
- to abolish the increased jurisdiction, 8926, 8927.
- effect upon pending action of the reduction of the increased jurisdiction, 8928.

INDEX.

(References are to sections.)

COURTS, COUNTY — (continued).

§ 3. *Judge of county court.*

powers and duties as magistrate, see Magistrate.

member and chairman of commissioners of insanity, **2547.**

election, 3257.

bond, amount of, **663.**

salary, 3500.

fees, when acting as commissioner of insanity, **2565.**

right to require fees to be paid in advance or security given, **3542.**

office,

duty of county commissioners to provide, **3293.**

where kept, how provided, **8517.**

deputy or clerk,

compensation, 3501.

exempt from jury duty, 814.

disqualified to act in certain cases, 8535.

powers,

in proceedings for the probate of a will, **8644.**

to administer oaths, 833.

to take acknowledgments, 5564.

to solemnize marriages, 4361.

to practice law, 8519.

duties,

to procure seal for county court, 8516.

as to time for transaction of business, 8518.

with respect to wills, 5656-5658.

with respect to custody of a will upon death of the testator, **8622.**

as to custody of records of the court, 8518.

as to inheritance tax, 8988, 8994, 8997, 8998.

as to issuance of marriage license, 4362.

to procure physician's certificate before issuing marriage license, **4374.**

to preserve marriage records, 4364.

as to acting as attorney in matters that may come within the jurisdiction of the county court, 8519.

in respect to release of persons alleged not to be insane, 2562.

in respect to admission of patients to tuberculosis sanitarium, **2588.**

liability,

for official acts of clerk of county court, 8520.

for wrongful issuance of marriage license, 9727.

for failure to perform duties of office, guilty of **misdemeanor, 9830.**

removal from office by governor, 685.

§ 4. *Parties.*

petitioner defined, 8545.

claimant defined, 8545.

respondent defined, 8545.

who are necessary parties, in general, 8545.

substitution of parties, 8546.

persons who may become parties, 8547, 8548.

§ 5. *Process.*

power to issue and to enforce obedience thereto, 8534.

by whom executed, 8522.

amendment of, 8590.

citation,

process by which court obtains jurisdiction of the parties is a citation, **8649.**

how issued, 8542.

form of citation, 8549, 8550.

form of citation for the probate of a will where it is believed testator left another will, 8637.

INDEX.

(References are to sections.)

COURTS, COUNTY — (continued).

citation — (continued).

hour intended when no hour is specified, 8593.

time for appearance of parties, 8550.

service of process and notices,

manner of service in general, 8551.

personal service, how made, 8556.

service on attorney or guardian, 8552.

service by mail, when and how made, 8553.

service by publication,

when authorized, 8554.

how made and proved, 8557.

when citation must be served, 8559.

method of computing time,

where service is made by mail, 8559.

where service is by publication, 8559.

direction as to mode of service must be endorsed on the citation or notice, 8555.

right to waive service of process and notices, 8565.

duty of the court to issue a new citation where service is deemed insufficient, 8573.

power to compel the attendance of persons, 8534 (3).

compensation of sheriff for executing mandates of the county court, 8523.

§ 6. Appearance.

how made in general, 8560, 8565.

by minor, how made, 8561, 8564.

by incompetent person, how made, 8561, 8564.

by special guardian, 8561-8564.

as imparting notice, 8565.

appointment of special guardian to appear for minors and incompetent persons, 8562.

duty of the court where a respondent fails to appear, 8573.

§ 7. Procedure.

for sale of property by guardian, see Guardian and Ward, § 9; by executors and administrators, see Executors and Administrators, § 7.

on appeal, see Appeals, § 2.

for the probate of will, see Wills, § 9.

for the granting of letters testamentary and of administration, see Executors and Administrators, § 2.

for the appointment of guardians, see Guardian and Ward.

as to distribution of estates, see Estates of Deceased Persons, § 6.

when not expressly provided for by the probate code, 8534 (10).

for transfer of cases to county court of an adjoining county, 8536-8538.

manner of approving bonds, 8625, 8627.

for partition in the county court, 8854-8860.

for the enforcement of a decedent's contract to convey real estate, 8792-8796.

for setting aside homestead and family allowances out of the estate of a decedent, 8723-8728.

for the summary administration where the estate is of small value, 8729.

to compel executor or administrator to file an account,

within six months after issuance of letters, 8824, 8826.

at the expiration of one year from the time of his appointment, 8829.

attachment, 8828, 8829.

for removal of executors, administrators and guardians, 8699-8701.

for action on the bond of an executor or administrator, 8805.

for the discovery of property of a person under guardianship, 8919.

for the discovery of property of decedent estate, 8800.

to compel third persons to disclose information concerning property of decedent, 8712, 8713.

for hearing and determining all questions as to advancements made by the decedent, 8850.

INDEX.

(References are to sections.)

COURTS, COUNTY — (continued).

for the establishing the right of heirship to real property, 8675-8681.
for the care and disposition of unclaimed shares of an estate, 8867-8872.
for the appointment of guardians for habitual drunkards or spendthrifts, 8890.
to have fact of restoration of incompetent persons judicially determined, 8889.
special proceedings,

 procedure for commencement of, 8566.
 pleadings in special proceedings,
 in general, enumerated, 8568.
 time to plead when proceedings are commenced by citation, 8567.
 petition, contents of petition, 8569.
 answer, contents of answer, 8570.
 formal requisite of a pleading in special proceedings, 8571.
 issue, how raised, 8572.
 form and contents of decision, 8579.

§ 8. Bonds required for probate code.

See also Executors and Administrators, § 3; Guardian and Ward, § 2.
manner of approving, 8625, 8627.
justification of sureties, 8625.
indorsement of approval by judge, 8627.
where filed, 8627.
nominal payee, 8627.
right of action upon, 8627.
right to deposit money in lieu of bond for costs, 8626.

§ 9. Hearing and trial.

hour intended, when no particular hour is specified, 8593.
manner of trying issues, 8576.
power of the court to examine the parties and inquire into all the circumstances, 8577.
manner of taking testimony of witnesses unable to attend, 8578.
right to take the deposition of witnesses, 8578.
postponement,
 where granted, 8534 (2), 8574.
 how ordered, 8575.

§ 10. Rehearing.

procedure for obtaining, 8594, 8596, 8597.
grounds for granting a rehearing, enumerated, 8595.
duty of the court to grant a rehearing, 8598.

§ 11. Orders and decrees.

force and effect of, 8533.
procedure for obtaining an order of the county court, 8581.
orders that may not be given without notice, 8584.
orders that may be given without previous notice, enumerated, 8583.
hour intended when no particular hour is specified, 8593.
form and contents of order, 8582.
 of a decree which settles an account, 8580.
 of decree admitting or denying the probate of a will, 8645.
 of decree admitting to probate a lost or destroyed will, 8647.
 of decree for final settlement of account of an executor or administrator, 8703.
 of decision in a special proceeding, 8579.
objections to facts contained in motions or orders, how made, 8585.
conclusiveness of decree admitting will to probate, 8650.
effect of decree granting or revoking probate of a will to revoke the former letters, 8607.
time for making decree on final settlement of the account of an executor or administrator, 8838.
order authorizing suit on the bond of an executor or administrator, 8805.
enforcement of decree or order,
 which directs the payment of a sum of money, 8587, 8588.
 which requires or prohibits the performance of any act other than the payment of money, 8588.

INDEX.

(References are to sections.)

COURTS, COUNTY — (continued).

power to open, vacate or modify, 8534 (7) (8).
right to award costs in a decree or order, 8586.

§ 12. *Records.*

records required to be kept, 8539, 8540.
manner of keeping, form of entry, 8540, 8541.
manner of entering and numbering cases, 8544.
record books to be numbered, 8543.
duty of county judge as to care and custody of, 8518.
force and effect of, 8533.
to be open for inspection, 8518.
power of the county court to make and certify transcripts, 8534 (9).

COURTS, COUNTY COURT WITH INCREASED JURISDICTION.

§ 1. *In general.*

application of general laws to county courts of increased jurisdiction, 8930.
terms of court, 8938.
calendar of causes standing for trial, 8935.
powers,
to issue warrants of arrest, 8962.
to admit to bail, 8962.
to receive plea of guilty and pass judgment in term time, 8963.
to try criminal prosecutions in term time where accused waives trial by jury, 8963.
to certify criminal prosecutions to the district court not within the jurisdiction of the county court, 8961.
records, custody and care of, 8971.
manner of collecting jury, 8939.
schedule of fees authorized to be collected by clerk, 8958.
taxation of cost in civil actions, 8957.
provisional remedy, 8931.

§ 2. *Jurisdiction.*

in general, 8929.
in criminal actions, 8929.
concurrent jurisdiction with the district court,
in civil actions, 8929.
in appeals from final judgment of justices of the peace, 8932.

§ 3. *Judge.*

generally as to county judge, see Courts, County, § 3.
powers and duties as magistrate, see Magistrate.
salary, 8972, 8973.
powers and duties,
in general, 8931, 8933, 8934.
as to care and custody of records of the court, 8971.
as to acting as attorney at law during term of office; penalty, 8971, 8974.
to take acknowledgments, 8964.
to solemnize marriages, 4361.
liability for acts of clerk of the county court, 8971.

§ 4. *Process.*

form of summons, 8944.
by whom process may be served, 8942.
compensation for service of process, 8942.
service of process outside of the state, 8948.
service of summons by publication, 8946-8949.

§ 5. *Procedure.*

procedure in general, 8931.
in garnishment proceedings, 8952, 8953.
filing and service of pleading, 8945.
for change of judge, 8955.

INDEX.

(References are to sections.)

COURTS, COUNTY COURT WITH INCREASED JURISDICTION — (continued).

on appeal from judgment of justices of the peace, 8932.

for taking appeals to supreme court,

in civil actions, 8960.

in criminal actions, 8969.

§ 6. Trial.

time of, notice of trial, 8951.

place of trial of civil action, 8954.

continuance of cases to the next term, 8936.

right to postpone the trial of civil actions, 8937.

continuance of trial in criminal cases, 8937.

procedure for trial before another judge,

in civil action, 8955 (3).

in criminal prosecution, 8955 (1).

necessity of preliminary examinations before trial of criminal actions, 8964.

assignment of counsel on criminal action, 8965.

compensation of counsel, 8965.

jury trials,

right to jury trials in criminal actions, 8966.

waiver of jury trial in criminal actions, 8966.

jury in criminal actions, how composed, 8967.

number of challenges in criminal actions, 8967.

right to jury trial in civil actions, 8956.

waiver of jury in civil actions, 8956.

§ 7. Verdict and judgment.

verdicts,

right to vacate and set aside verdicts in civil actions, 8959.

right to vacate and set aside verdicts in criminal actions, 8968.

judgments,

power to render judgments notwithstanding the verdict, 8959.

power to affirm, modify or set aside judgments, 8959.

motions in arrest of judgments, 8968.

§ 8. New trials.

in civil actions, 8959.

in criminal actions, 8968.

§ 9. Officers and attaches.

as to clerk, see Courts, Clerks of, § 4.

as to judge, see supra, § 3.

bailiffs,

appointment, powers, compensation, 8931.

court stenographer,

appointment, 8975.

duties, in general, enumerated, 8975.

compensation, 8975.

COURTS, DISTRICT.

§ 1. In general.

powers,

to correct errors in town, village or city plats, 3762-3765.

to order a survey in proceedings involving disputed rights in mining property, 2459.

to certify criminal prosecutions to the county court, 8961.

to take bail, when, 11121.

to reduce punishment, when, 10893.

in case of acquittal of defendant on ground of insanity, 10901.

to appoint state's attorney, 3379.

to revoke or suspend license of attorney, 799.

to execute power in trust, when, 5440.

to appoint trustees, 6316-6318.

INDEX.

(References are to sections.)

COURTS, DISTRICT — (continued).

powers — (continued).

to remove trustee, 6315.

in respect to trust companies, 5218.

to modify orders of railroad commissioners, 4736.

to enforce orders of railroad commissioners, 4744, 4745.

duties,

to examine state's attorney's statements as to crimes, when, 10630.

to charge grand jury, 10652.

to charge grand jury regarding jails, 11311.

to prescribe rules for jails, 11304, 11307.

in respect to destruction of noxious weeds, 2819.

as to pending actions in the county court, upon the reduction of the increased jurisdiction of the county court, 8928.

procedure in, 7350.

procedure for taxing costs, 3547.

witnesses, fees and mileage, 3535.

necessity of making deposit with clerk as security for fees, 3499.

stenographer's transcript of minutes of proceedings available for either party, 778.

sheriff's fees for attending court, 3514.

§ 2. Judicial districts.

state divided into judicial districts, 746.

effect of organization of new county, 3228.

first judicial district defined, 747.

second judicial district defined, 748.

third judicial district defined, 749.

fourth judicial district defined, 750.

fifth judicial district defined, 751.

sixth judicial district defined, 752.

seventh judicial district defined, 753.

eighth judicial district defined, 754.

ninth judicial district defined, 756.

tenth judicial district defined, 759.

eleventh judicial district defined, 762.

twelfth judicial district defined, 765.

§ 3. Jurisdiction.

jurisdiction of, defined, 7349.

jurisdiction in criminal actions, 10400.

where held for criminal actions, 10398.

crimes, how prosecuted in, 10625.

right to certify criminal prosecutions to the county court, 8961.

on remittitur in criminal actions, 11020.

actions to collect delinquent taxes, 2311-2313.

to enforce decrees of railroad commissioners as to rates, 4732.

for determination of rights in disputed mining property, 2459, 2460.

proceedings for changing the corporate limits of cities, towns and villages, 3968-3973.

vacation or alteration of town plats, procedure, 3959-3961.

appellate jurisdiction,

from decision of board of county commissioners, procedure, 3298-3302.

from police magistrate, 3655, 3660.

duty to take judicial notice of all city ordinances, 3660.

from city justices of the peace, 3657.

from village justice of the peace, 3925, 3927.

from order of justice of the peace removing pauper, 2516-2518.

powers on appeal from the county court, 8619, 8620.

from rates for public services or utilities fixed by city council or commission, 3608.

from orders of fire marshal, 209.

from decision of state examiner with reference to investment companies, 5228.

INDEX.

(References are to sections.)

COURTS, DISTRICT — (continued).

appellate jurisdiction — (continued).

- in proceedings to lay out, etc., public highway, 1938.
- to hear appeals of abstracts of title, 3094.

§ 4. Judge of a district court.

- powers and duties as magistrate, see Magistrate.
- to be nominated at primary election, 852.
- petition for nomination for, when to be filed, 853.
- term of office, 746.
- salary, 772.
- exempt from jury duty, 814.
- acts of judge are acts of court, 7352.
- powers,
 - to order jury, 829.
 - to issue subpoenas, 7872.
 - to take depositions, 7891.
 - to take acknowledgments, 5564.
 - to solemnize marriages, 4361.
 - to appoint special counsel to assist state's attorney, compensation, 3381.
- duties,
 - to file decision within thirty days, 7638.
 - as to matters not pending in his district; exception, 7353.
 - as to accusation against public officer, 10470.
 - when Texas cattle are spreading disease, 2676.

§ 5. Time for holding court.

- court always to be open, 7350.
- always open in proceedings against carriers, 4761.
- duty of sheriff to open and adjourn, 3401.
- adjournment, power of clerk of district court to adjourn, 3389.
- chambers, 755, 761.
- terms of court,
 - falling upon holidays, commence next day, 771.
 - in criminal actions, 10309.
 - in a newly organized county, 3229.
 - special term for eminent domain proceedings instituted by cities, 3737.
 - in first judicial district, 747.
 - in second judicial district, 748.
 - in third judicial district, 749.
 - in fourth judicial district, 750.
 - in fifth judicial district, 751.
 - in sixth judicial district, 752.
 - in seventh judicial district, 753.
 - in eighth judicial district, 754.
 - in ninth judicial district, 758.
 - in tenth judicial district, 759.
 - in eleventh judicial district, 762.
 - in twelfth judicial district, 766.

§ 6. Orders and decrees.

- judgment by default, 7351.
- order of judge of, necessary to summon jurors, 815.
- decisions of, reviewable, 10401.
- order or judgment, how vacated, 7354.
- decisions to be rendered within thirty days, 7638.
- form of decision on appeal from the county courts, 8621, 8624.
- enforcement of decree on appeal from the county court, 8624.

§ 7. Officers and attaches.

- as to clerk of district court, see Courts, Clerks of, § 2.

INDEX.

(References are to sections.)

COURTS, DISTRICT — (continued).

- bailiff,
 - appointment, 3550.
 - compensation, 3550.
- stenographer,
 - appointment, oath, 774.
 - compensation, 780, 781.
 - duties,
 - in general, enumerated, 775.
 - as to making transcript of minutes, 777.
 - to file original minutes, 776.
 - to certify that transcript of proceedings filed is correct, 779.

COURTS, JUVENILE.

§ 1. *In general.*

- court how known, record, 11405.
- children deemed wards of the state, when, 11402.
- definition of term, negligent child; delinquent child, 11403.
- officers of courts, 11408, 11421.
- construction of act, 11422.
- contempt of court, 11427.

§ 2. *Jurisdiction.*

- in general, 11404.
- over sick children, 11413.
- guardianship over children, 11414.
- guardian's report, 11415.
- care of dependent or neglected children, 11400.
- guardianship, 11410.
- delinquent children,
 - care of, 11411.
 - prosecution of, 11412.
- support of children, 11423.
- order relating to support, 11424.
- guardianship of person, 11425.

§ 3. *Procedure.*

- petition to court as to child, 11406.
- summons, 11407.
- right to counsel and to give bond, 11417.
- order relating to adoption, 11418.
- religious preference, 11419.
- transfers from justice's and police magistrates, 11416.
- county boards of visitors and children's guardians, 11420.
- appeals, 11426.
 - fees for publishing notice, 11426a.

COURTS OF RECORD.

- enumerated, 7336.
- county court as, 8514.

COURTS, SUPREME.

§ 1. *In general.*

- place of holding supreme court, 715.
- terms, 715.
- notice of special terms, 715.
- always open in proceedings against carriers, 4761.
- adjournment, 7344.
- adjournment to other buildings, 7348.
- time for placing cases upon the calendar, 716.
- when causes on calendar stand for preference on calendar, 7345, 7346.

INDEX.

(References are to sections.)

COURTS, SUPREME— (continued).

- supplies for, procured by clerk, 724.
- fees to be charged and collected by the clerk, 723.
- method of taxing costs, 3547.
- admission to bar,
 - power to admit persons to practice as attorney vested in the supreme court, 739.
 - admission on certificate without examination, 792.
 - right of foreign attorneys to practice law, 793.
- powers,
 - to make rules, 7342.
 - to issue writs, 7339.
 - as to issuance and return of writs, 7340.
 - as to sending issues of fact to district court, 7341.
- duties,
 - as to issuance and return of writs, 7340.
 - to write and file decisions and syllabus, 7343.
 - to execute judgments, decrees, etc., 7342.
 - on appeal in criminal actions, 11015.
 - to review tax judgments, 2315.
 - in respect to trust companies, 5218.
 - to revoke or suspend license of attorney, 799.
 - to refer charges against attorney to state bar association, 708.
 - to authorize bar association to prosecute charges made against attorney, 810.
 - to employ stenographers, 717.
- § 2. *Jurisdiction.*
 - jurisdiction,
 - defined, 7339.
 - appeals from district court in civil actions, 7818.
 - appeal from orders of district court revoking or suspending license of attorney at law, 804.
 - appeal from orders of railroad commissioners, 4736.
 - appeals in contests of election, 1055.
- § 3. *Judges of supreme court.*
 - powers and duties as magistrate, see Magistrate.
 - ex officio members of board for trial of contests of presidential electors, 1059.
 - to be nominated at primary election, 852.
 - petition for nomination for, when to be filed, 853.
 - no party ballot for judiciary, 904.
 - separate ballots for judiciary nominations at primary election, 905.
 - separate ballot for, at primary election, 906.
 - salary, 719.
 - expenses of, to be paid quarterly, 720.
 - exempt from jury duty, 814.
 - powers,
 - to administer oaths, 833.
 - to take acknowledgments, 5564.
 - to issue subpoenas, 7872.
 - to take depositions, 7891.
 - to solemnize marriages, 4361.
 - to employ stenographers, 717.
 - duties,
 - in general, enumerated, 721.
 - to prescribe rules and regulations for the state law library, 1845.
 - chief justice,
 - how determined, 721.
 - ex officio,
 - member of board of pardons, 11097.
 - president of board for trial of contests of presidential electors, 1059.

INDEX.

(References are to sections.)

COURTS, SUPREME— (continued).

§ 4. Officers and attaches.

as to clerk of supreme court, see Courts, Clerks of, § 1.

marshals,

persons who act as, 738, 739.

bond, 740.

compensation, 738.

bailiff, 741.

stenographers,

right to employ, 717.

bills for service, auditing and payment of, 718.

§ 5. Decisions and reports.

decisions,

majority of judges must concur, 7347.

to be in writing, 7343.

reports of decisions,

how printed, number, 736.

advertisement for proposals for publication, 736.

distribution,

by secretary of state, 122, 743, 744.

by county auditor, 745.

to be sent to state university, 1559.

§ 6. Reporter of supreme court.

reporter,

appointment, qualifications, term, 731.

bond, 732.

salary, 737.

duties,

in general enumerated, 733.

to supervise publication of reports of decisions, 735.

to secure copyright of reports of decisions, 735.

COVENANTS.

agreement to sell implies giving of usual covenants, 5958.

form of usual covenants of realty, 5959.

existence of highway or railroad not breach of covenant of warranty, 5960.

what implied from use of word "grant," 5521.

running with the land,

when covenants so run, 5785.

what covenants so run, 5786.

— covenants made for benefit of property, 5787, 5788.

covenants limited to certain assigns, 5789.

owner of whole estate only bound by, 5790.

owner liable only while holding, 5791.

burden or benefit of, to be apportioned, 5792.

measure of damages for breach of covenant in deed of conveyance of real estate, 7149, 7150.

COVERTURE.

exonerates from punishment, when, 9211.

crimes not excused by, 9213.

superior power not inferred from, when, 9213.

duress not inferred from, when, 9214.

inference from, rebuttal of, 9215.

COW-COCKLE.

as noxious weed, 2900.

COYOTES.

bounty for, see Animals, § 15.

INDEX.

(References are to sections.)

CREAM.

See Dairy Products.

CREAMERY.

sanitation of, see Food, § 2.

CREAM STATION.

See Dairy Products.

CREDITOR.

defined, 7216, 7285.

may be preferred, 7218.

state a preferred creditor on sale of twine, 11248.

redemption of lands from tax sale by, 2224.

order of resort among creditors for payment, 7219.

mortgage of personalty invalid until refiled, 6762.

transfer of personalty without possession presumed fraudulent, 7221.

debtor's act may be avoided by, when, 7222.

fraudulent conveyance, misdemeanor, 9999.

unlawfully preferring, misdemeanor, 10001.

CREDITS.

defined, 2074.

as taxable personal property, 2075, 2103.

when credit to be given by factor, 6147.

CRESS.

as noxious weed, 2900.

CRIME.

See Felony; Misdemeanor.

for various particular crimes, see name of crime, e. g., Arson, Bribery, Burglary,

Homicide, etc.

against the elective franchise, see Elections, §§ 21, 22.

§ 1. *In general.*

acts constituting, 9194.

acts constituting, determined by what law, 9194.

defined, 9195, 10385.

classified, 9196, 10386.

felony defined, 9197.

misdemeanor defined, 9197.

attempts to commit defined, 10337, 10338.

when prosecuted, 10389.

limitation of prosecution, 10520-10524.

to which probation act not applicable, 10951.

prevention by interference of officers, 10406-10407.

resistance to commission of, when lawful, 10403-10405.

of crime as disqualifying one to act as executor or administrator, 8651 (2), 8657.

conviction to be had before punishment, 9199.

jury to find degree of, 9200.

duty of court to determine punishment, 9202.

— exception, 9203.

penal code, scope of, 9198.

— how construed, 9201.

§ 2. *Parties to.*

parties classified, 9217.

principals, who are, 9218.

accessories, who are, 9219.

INDEX.

(References are to sections.)

CRIME — (continued).

- no accessories to misdemeanors, 9220.
- accessories, how punished, 9221.
- accessory to felony, how prosecuted, 10705.
- jurisdiction of accessory, 10511.
- § 3. *Persons liable to punishment.*
 - persons enumerated, 9206.
 - who capable of crime, 9207.
 - insane person not punishable for, 11063.
- § 4. *Defenses.*
 - effect of intoxication on intent, 9208.
 - morbid propensity to commit, no defense, 9209.
 - insanity as a defense, 11063.
 - superior power exonerates from punishment, when, 9211.
 - crimes for which coverture exonerates enumerated, 9213.
 - duress as excuse for, 9212-9215.
 - to maiming, recovery from injury, when, 9512.
 - to perjury, incompetency of testimony is not, when, 9370.
 - to seduction, marriage, 8902, 9576.
 - to suicide, what is not, 9454.
 - summary arrest is not, when, 9277.
 - to barratry, interest of accused, not, 9411.
 - to embezzlement, claim of title, 9938.
 - intent to restore, not, 9939.
 - good faith is, when, 9291.
 - to homicide, anger is not, 9466.
 - to libel, 9556, 9557.
 - See also Jeopardy.
- § 5. *Punishments.*
 - enumerated, 9195.
 - punishment of felony, in general, 9204.
 - punishment of misdemeanor, in general, 9206.
 - punishment for second offence, 10340-10343.
 - punishment of accessory, 9221.
- § 6. *Against religion and conscience.*
 - blasphemy defined, 9222.
 - serious discussion not blasphemy, 9223.
 - blasphemy as misdemeanor, 9224.
 - profane swearing,
 - definition, 9225.
 - punishment of, 9226.
 - summary conviction for, 9227.
 - penalties, how collected; commitment for, 9228.
 - obscene language,
 - utterance of, how punishable, 9229.
 - obscene language over telephone, prohibited, 9230.
 - penalty, 9230.
- Sabbath observance,
 - theatres to be closed on Sunday; penalty, 9231.
 - acts prohibited on Sunday, 9232.
 - Sabbath breaking defined, 9233.
 - "day" defined, 9234.
 - acts of Sabbath breaking enumerated, 9235.
 - servile labor prohibited, 9236.
 - observance of other day as defence, 9237.
 - prohibited sports enumerated, 9238.
 - trades and employments prohibited, 9239.
 - public traffic prohibited, 9240.

INDEX.

(References are to sections.)

CRIME — (continued).

Sabbath observance — (continued).

acts prohibited on Sunday — (continued).

 serving process prohibited, 9241.

 Sabbath breaking, how punished, 9242.

 fine, how collected, 9243.

 no property exempt from fines, 9243.

 malicious serving of process on Sunday upon person keeping that day as holy, 9244.

 compelling form of belief, 9245.

 preventing religious act, 9246.

 disturbing religious meeting, 9247.

 —acts deemed to be, enumerated, 9248.

 time for prosecution limited, 9249.

§ 7. Crimes by and against executive power of state.

 exercising office without having qualified, 9300.

 —acts of de facto officer valid, 9301.

 usurping or falsely assuming office, 9302.

 bribery, 9303, 9304, 9319.

 preventing officer from performing duty, 9305.

 resisting officer, 9306.

 taking unlawful fees, 9307.

 omitting or delaying official acts for reward, 9308.

 asking or receiving fees for service not rendered, 9309.

 taking unlawful reward for services in respect to fugitives from justice, 9310.

 buying or selling appointments to office, 9311, 9312.

 appointment given for reward, 9313, 9314.

 appropriation by officer of allowance for clerk hire, 9315.

 refusal to surrender office and books at close of term, 9316, 9317.

 application of article to administrative officers, 9318.

 governor receiving bribe; menacing legislature by appointment or removal of office, 9319.

§ 8. Crimes against the legislative power.

 preventing meeting of assembly, 9320.

 disturbing assembly, 9321.

 compelling adjournment, 9322.

 intimidating members, 9323.

 compelling either house to perform or omit act, 9324.

 altering draft of bill or engrossed copy, 9325, 9326.

 bribery, 9327-9330.

 promise to vote for or against bill, when deemed felony, 9331.

 promise to vote for or against confirmation of governor's appointment, when deemed felony, 9332.

 refusal of witness to attend before assembly or committee thereof, 9333.

 refusal of witness to testify, 9334.

 forfeiture of office upon conviction, 9335.

§ 9. Crimes against public justice.

 bribes to judges, jurors, referees, etc., 9339.

 judicial officers receiving bribes, 9340.

 jurors, referees and others receiving bribes, 9341.

 misconduct by jurors and others, 9342.

 judicial officers accepting gifts, misdemeanor, when, 9343, 9344.

 attempt to influence jurors and others, 9345.

 drawing jurors fraudulently, 9346.

 misconduct of officer in charge of jury, 9347.

 refusing to receive prisoner, misdemeanor, 9391.

 delaying to take prisoner before magistrate, 9392.

 arrest or seizure without lawful authority, 9393.

INDEX.

(References are to sections.)

CRIME — (continued).

- misconduct in executing search warrant, 9394.
 - refusal to make arrest, 9396.
 - refusal to aid officer, 9395.
 - resisting execution of process during insurrection, 9397.
 - obstructing officer in performance of duty, 9398.
 - attempting to intimidate officers, 9403.
 - taking or administering extra judicial oaths, 9399, 9400.
 - compounding crimes and prosecutions, 9401, 9402.
 - barratry, 9408, 9411.
 - buying pretended titles, or lands in suit, 9405-9407.
 - buying demands or suits, 9412-9418.
 - criminal contempts, 9419.
 - grand juror acting after challenge allowed, 9420.
 - disclosing matters pertaining to evidence or proceedings before grand jury, 9421, 9422, 9434, 9435.
 - fraudulent concealment of property, 9423.
 - pretense to birth of child, 9429.
 - substituting child, 9430.
 - maliciously instituting action in false name or procuring search warrant, 9436, 9437.
 - communicating with inmate of penitentiary, 9438.
 - issuance of false certificate by public officer, 9440.
 - See also Rescues and Escapes.
 - for offenses against public justice by attorneys, see Attorneys, § 6.
- § 10. *Records, forging, stealing, mutilating or falsifying judicial and public.*
- by public officer, 9363.
 - by other persons, 9364.
 - offering forged or false instruments for record, felony, 9365.
 - injury to records by ministerial officer, felony, 9339.

CRIMINAL.

- sterilization of, see Sterilization of Defectives and Criminals.
- marriage of, prohibited, 4373.

CRIMINAL ACTIONS.

- See Criminal Procedure.
- defined, 7333, 10390.
- code of criminal procedure governs, when, 11401.
- dismissal of, for want of prosecution, 11166-11171.
- in justice's court, 9130-9162.
- transfer of criminal prosecutions from the county court to the district court and vice versa, 8961.
- jurisdiction,
 - crime commenced without, but consummated within state, 10502.
 - duel without, death within state, 10503.
 - inhabitant leaving state to avoid law, 10504.
 - crime committed in different counties, 10505.
 - near boundary, 10506.
 - on board vessel, 10507.
 - jurisdiction of accessory, 10511.
 - against principal not present, 10513.
 - in certain enumerated cases,
 - kidnapping, 10508.
 - enticing away, 10508.
 - enticing away unmarried female, 10508.
 - in cases of burglary, larceny or embezzlement, 10509.
 - treason, 10510.
 - escapes from penitentiary, 10514.

INDEX.

(References are to sections.)

CRIMINAL ACTIONS — (*continued*).

jurisdiction — (*continued*).

treason — (*continued*).

escapes from jail, 10515.

bringing stolen property into state, 10516.

murder or manslaughter, 10517.

CRIMINAL CONVERSATION.

limitation of actions for, 7375.

CRIMINAL PROCEDURE.

procedure and trials before police magistrate, see Cities, § 18.

depositions in criminal action, see Deposition.

witnesses in criminal action, see Witnesses, §§ 10, 11, 12.

§ 1. *Complaint.*

defined, 10525.

to state what, 10530.

who to make, 10531.

magistrate may examine complainant, 10532.

accused arrested without warrant, 10533.

witnesses other than complainant, 10534.

§ 2. *Warrant.*

issuance of; justice of the peace, 10535.

warrant defined; form, 10536.

requisites of warrant, 10537.

directed to peace officer and executed by him, 10538.

peace officer defined, 10539.

to whom judge of supreme or district court may direct warrant, 10540.

to whom other magistrate, 10541.

officer executing may command assistance, 10542.

duty of officer, in felony, 10543.

— in misdemeanor; bail, 10544.

procedure when bail taken, 10545.

— when bail not given, 10546.

misdemeanor within magistrate's jurisdiction, 10547.

delay prohibited; attorney, 10548.

duty of magistrate in issuing warrant, 10549.

where accused is from another county, 10550.

— accused to be taken to proper county, 10551.

where offense is misdemeanor, 10552.

privilege of officer making arrest, 10553.

— not liable to arrest, 10554.

giving bail deemed waiver of examination, 10555.

§ 3. *Arrest, by whom and how made.*

arrest defined, 10556.

who may make, 10557.

officer may summon aid, 10558.

— persons must aid, 10559.

when arrest for felony may be made, 10560.

— misdemeanor, 10560.

how arrest made, 10561, 10682.

restraint limited, 10562.

warrant must be shown, 10563.

officer must obey warrant, 10564.

force to be used when defendant resists, 10565.

officer may break door, 10566.

arrest without warrant, when to be made, 10567.

— may break door, 10568.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE — (continued).

- arrest made in night, when, 10569.
- officer must state authority, 10570.
- arrest by bystander, 10571.
- offence committed in presence of magistrate, procedure, 10572.
- arrest by private person, when, 10573.
- must inform person of cause of arrest, 10574.
- when private person may break door, 10575.
- duty of private person arresting to take before magistrate or officer, 10576.
- offensive weapons to be taken from person arrested, when, 10577.
- procedure against person arrested without warrant, 10578.
- person lawfully entering house to make arrest may use force to get out, 10579.
- retaking after escape or rescue, 10591.
- pursuit and re-arrest, 10592.
- may break door or window, when, 10593.
- identification of persons charged with crime, 10594.
- § 4. *Service of warrant by telegraph.*
 - warrant transmitted by telegraph, 10580.
 - duty of officer transmitting, 10581.
 - warrant returnable in county where issued, 10582.
 - arrest directed by telegraph, 10583.
 - how executed, procedure, 10584.
- § 5. *Preliminary examination.*
 - in county court, 8964–8966.
 - magistrate's duties, testimony may be taken, 10595.
 - accused must be allowed counsel, 10596.
 - examinations, 10597.
 - change of place of trial, 10598.
 - adjournment, 10599.
 - disposition of accused on adjournment, 10600.
 - form of commitment for examination, 10601.
 - costs to be taxed against complaining witness, when, 10610.
 - accused held to answer, procedure, 10611.
 - form of commitment when offence not bailable, 10612.
 - when offence bailable, 10613.
 - when bail not taken, 10614.
 - procedure on commitment, 10615.
 - form of commitment, 10616.
 - procedure on examination, 10602.
 - witnesses to be kept separate, 10603.
 - who excused, 10604.
 - how witnesses examined, 10605.
 - accused may produce witnesses, 10606.
 - depositions to be kept, 10607.
 - violation, misdemeanor, 10608.
 - accused discharged, when, 10609.
 - witness to give undertaking, when, 10617.
 - sureties may be required, 10618.
 - married women and minors as witnesses, 10619.
 - commitment of witness on refusal to furnish undertaking, 10620.
 - security may be subsequently demanded, 10621.
 - witness may be confined, when, 10622.
 - fees to be allowed when witness confined, 10623.
 - magistrate to make return of papers, 10624.
- § 6. *Proceedings on information or indictment.*
 - preliminary provisions,
 - public offences to be prosecuted on information or indictment, 10625.
 - removal from office, how prosecuted, 10626.
 - jurisdiction, 10626.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE — (continued).

- information, 10627.
 - prosecution on information, in what cases, 10628.
 - state's attorney to inquire into charges, when, 10629.
 - procedure when no information filed, 10630.
 - filing of information, names of witnesses, 10631.
 - form of verification of information, 10632.
 - form of amendment of information, 10633.
- grand jury,
 - calling of,
 - grand jury defined; construction of, 10634.
 - when grand jury may be called, 10635.
 - formation of,
 - challenge may be oral or written, 10642.
 - challenge allowed or disallowed, entry by clerk, 10643.
 - effect of challenge allowed, 10644.
 - violation; punishment, 10645.
 - challenge must be in before jury sworn, 10646.
 - court to order another grand jury, when, 10647.
 - challenge of panel by state or accused, 10636.
 - challenge allowed, procedure, 10637.
 - quorum of grand jury, 10638.
 - challenge of panel, causes for, 10639.
 - challenge allowed, jury discharged, 10640.
 - challenge of individual jury, causes for, 10641.
 - special grand jury, when, 10648.
 - foreman,
 - court to appoint, 10649.
 - oath of foreman, 10650.
 - oath of other grand jurors, 10651.
 - court to charge grand jurors, 10652.
 - grand jury to retire, when, 10653.
 - appointment of clerk of grand jury, duty, 10654.
 - when jury to be discharged, 10655.
- powers and duties of,
 - in general, 10656.
 - presentment, defined, 10657.
 - oath to witness, 10658.
 - evidence, 10659.
 - legal and best only, receivable, 10659, 10660.
 - of the accused, 10661.
 - when indictment ought to be found, 10662.
 - member of grand jury to give evidence, when, 10663.
 - concerning what, grand jury must inquire, 10664.
 - entitled to access to prisons and public records, 10665.
 - advice from court and state's attorney, 10666.
 - state's attorney to appear before grand jury, 10666.
 - secrecy of proceedings to be maintained, 10667.
 - when jurors may disclose proceedings, 10668.
 - grand jurors cannot be questioned as to proceedings, exception, 10669.
- § 7. *Presentment and proceedings thereon.*
 - presentment defined, 10657.
 - presentment how found and signed, 10670.
 - presented to court, 10671.
 - bench warrant to issue, when, 10672.
 - issuance by clerk, 10673.
 - form of warrant, 10674.
 - when and how warrant may be served, 10675.
 - magistrate's procedure on warrant, 10676.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE— (continued).

§ 8. *Finding of the indictment.*

twelve jurors must concur in findings, 10677.
when accused must be dismissed, 10678.
resubmission of charge after dismissal, 10679.
names of witnesses to be on indictment, 10680.
presentation of indictment, 10681.
person indicted, how arrested, 10682.

§ 9. *Pleadings.*

form of pleadings in criminal actions, 10683.
information or indictment,
 first pleading, 10684.
 what information or indictment must contain, 10685.
 things as to which allegations must be certain and direct, 10686.
 fictitious name for defendant, when may be used, 10687.
 indictment or information to charge but one offence; different counts, 10688.
 allegation of time of offence, 10689.
 immaterial error, 10690.
 construction of words, 10691.
 statutory words not strictly pursued, 10692.
 information or indictment sufficient, when, 10693.
 errors of form disregarded, 10694.
 what need not be stated, 10695.
 judgment of courts need not be pleaded, 10696.
 jurisdictional facts must be alleged, 10696.
 private statutes, how pleaded, 10697.
 libel, information or indictment for, what to contain, 10698.
 forgery, information or indictment for, what to contain, 10699.
 perjury, information or indictment for, what to contain, 10700.
 larceny, information or indictment for, what to contain, 10701.
 embezzlement, information or indictment for, what to contain, 10701.
 obscene literature, information or indictment for, what to contain, 10702.
 offence in relation to personal property, ownership of, how alleged in information
 or indictment, 10703.
 against accessories, 10705.
 accessory may be punished although principal not, 10706.
 against several defendants, conviction or acquittal of one or more, 10704.

§ 10. *After information and indictment and before commencement of trial.*

arraignment of defendant,
 when and where defendant arraigned, 10708.
 presence of defendant,
 in case of felony, personally, 10709.
 — misdemeanor, may be by counsel, 10709.
 presence enforced by directions of court, 10710.
 — warrant of arrest, 10711.
 clerk to issue warrant, 10712.
 form of warrant, 10713.
 — in case of misdemeanor for bailable, 10714.
 court to fix amount of bail, 10715.
 arrest where defence is not bailable, 10716.
 warrant to be served in another county, 10717.
 bail before magistrate in another county, 10718.
 increase bail in case of felony, 10719.
 procedure after issuance of warrant, 10720.
 counsel for defendant, 10721.
 arraignment, how made, 10722.
 defendant's true name, how secured, 10723–10725.
 defendant to be given time to answer, 10726.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE — (continued).

- arraignment of defendant — (continued).
 - plea by defendant, 10727.
 - motion to set aside information or indictment, 10727.
 - demurrer or plea to indictment, 10727.
- setting aside information or indictment,
 - causes for setting aside, 10728.
 - form, contents and time of motion, 10729.
 - motion when heard, 10730.
 - answer on motion denied, 10731.
 - procedure on motion granted, 10732.
 - further prosecution; procedure, 10733.
 - motion setting aside indictment or information not bar to further prosecution, 10734.
- demurrer,
 - demurrer or plea to be made in open court, 10736.
 - grounds of demurrer, 10737.
 - requisites of demurrer, 10738.
 - time of hearing, 10739.
 - judgment on demurrer, 10740.
 - effect if demurrer sustained, 10741.
 - amendment to demurrer, not directed, defendant discharged, 10742.
 - defendant not discharged, further proceedings, 10743.
 - demurrer overruled, further procedure, 10744.
 - objections to be taken by demurrer only, 10745.
- plea,
 - pleas, classified, 10746.
 - plea to be oral; form, 10747.
 - plea of guilty to be put in by defendant personally; exception, 10748.
 - plea made by withdrawing, 10749.
 - issues on plea of not guilty, 10750.
 - evidence under plea of not guilty, 10751.
 - acquittal because of variance, not guilty of same offence, 10752.
 - acquittal on merits, effect of, 10753.
 - double jeopardy as defence to prosecution, 10754.
 - refusal to answer, procedure, 10755.
- removal of action before trial,
 - causes for removal of action, 10756.
 - petition for removal; notice, 10757.
 - time to prepare, 10757.
 - only one change to be ordered, 10758.
 - duty of clerk, 10759.
 - disposition of defendant, 10760.
 - court may require bail on removal, 10761.
 - undertaking and witnesses, effect of order of removal on, 10762.
 - trial in new court, how conducted, 10763.
 - liability of clerk for neglect of duty on removal, 10764.
 - removal of one of several defendants, 10765.
 - removal of cause, because of prejudice of judge, 10766.
 - jurisdiction of court on removal, 10767.
 - removal by state, when, 10768.
- mode of trial,
 - issue of fact, arises when, 10769.
 - how tried, 10770.
 - presence of defendant required, when, 10771.
 - time to prepare for trial, 10772.
- trial jury,
 - how trial jury formed, 10774.
 - clerk to prepare ballots, 10775.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE — (continued).

trial jury — (continued).

parties may require names to be called, 10776.
manner of drawing jury, 10777.
disposition of ballots, 10778.
— after discharge of jury, 10779.
procedure where juror is absent, 10780.
procedure where all jurors do not appear, 10781.
deposit of ballots in box, 10782.
drawing of the jury, 10783.
number of jurors, 10784.
jury, how sworn, 10784.
other jurors summoned, when, 10785.
jurors may affirm, when, 10786.

postponement of trial,

either party may, if for cause, 10787.

§ 11. Proceedings after commencement of trial, to rendering of verdict.

challenging jury,

challenges classified, 10788.

when several must join, 10789.

panel defined, 10790.

challenge to panel,

when and how taken, 10791.

causes for challenge to panel, 10792.

when challenge must be taken, 10793.

exception to challenge, procedure, 10794.

facts alleged in challenge denied, procedure, 10795.

challenge tried like question of fact, 10796.

officers may be examined, 10797.

challenge may be taken for officer's bias, 10798.

challenge allowed, jury discharged, 10799.

challenge of individual juror,

when taken, 10800.

nature of challenge, 10801.

taken before sworn, 10802.

peremptory challenge, 10803.

number of challenges allowed defendant, 10804.

number of challenges allowed prosecution, 10805.

challenge for cause, 10806.

— classified, 10807.

general causes of challenge specified, 10808.

particular causes of challenge specified, 10809.

matters constituting implied bias specified, 10810.

exemption from jury duty is not cause of challenge, 10811.

how challenge taken; cause stated, 10812.

exception to challenge, 10813.

challenges, how tried, 10814.

— juror may be examined, 10815.

other witnesses, 10816.

court must allow or disallow challenge, 10817.

order of taking challenges, 10818.

order of challenges for causes, 10819.

peremptory challenges, 10820.

order of trial, 10821.

charging the jury,

procedure, 10822.

oral or written, 10823.

stenographer; exceptions, 10824.

exceptions before charge is given, 10825.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE — (continued).

- order of trial specified may be changed, 10826.
- court to decide law, 10827.
- jury to determine law and fact in libel cases, 10828.
- jury to determine facts only, when, 10829.
- argument by counsel restricted, 10830.
- presumption of innocence, 10831.
- reasonable doubt, 10831.
- doubt as to degree, 10832.
- defendants tried separately, 10833.
- defendant discharged in order to testify, 10834.
- for codefendant, 10835.
- such discharge constitutes acquittal, 10836.
- defendant may testify in own behalf; effect of not testifying, 10837.
- evidence,
 - rules of evidence, 10838.
 - treason, proof of overt acts, 10839.
 - conspiracy, proof of overt acts, 10840.
 - evidence of accomplice, corroboration, 10841.
 - evidence of false pretenses, 10842.
 - evidence of abortion and seduction, 10843.
 - murder, burden of proof as to, 10860.
 - bigamy, proof of marriage, 10861.
 - forgery, proof on trial, 10862.
- mistake as to offence charged, 10844.
- such mistake not double jeopardy, 10845.
- defendant to be tried on original charge, when, 10846.
- want of jurisdiction, jury discharged, 10847.
- disposition of accused, 10848.
- bail, 10849.
- papers to be sent to proper county, 10850.
- how accused discharged, 10851.
- proceedings if accused arrested, 10852.
- accused to be discharged, when, 10853.
- court may advise jury to acquit, when, 10854.
- conduct of jury during trial of cause,
 - jury may view place of crime, 10855.
 - juror knowing fact may be witness, 10856.
 - custody and conduct of jury, 10857.
 - court must admonish jury, 10858.
 - sickness of juror, procedure, 10859.
 - requisites of charge to jury, 10863.
 - retirement of jury; refreshments, 10864.
- conviction or acquittal of different degree of crime, a bar, 10865.
- defendant may be committed to custody of officer, when, 10866.
- court may appoint substitute for state's attorney, when, 10867.
- conduct of jury after cause is submitted,
 - room to be provided for jury, 10868.
 - food and lodging for jury, 10869.
 - what papers jury may take, 10870.
 - disagreement; further instructions, 10871.
 - juror sick, jury discharged, 10872.
 - disagreement, jury discharged, 10873.
 - verdict prevented; cause retried, 10874.
 - adjournment during absence of jury, 10875.
- verdict,
 - return of verdict, 10876.
 - defendant to be present, when, 10877.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE— (continued).

verdict— (continued).

procedure when jury appear, 10878.
general or special verdict; libel, 10879.
oral or in writing, 10880.
contents of general verdicts, 10881.
special verdict to be written, 10882.
special verdict, how rendered, 10883.
— form of special verdict, 10884.
— argument for special verdict, 10885.
— judgment upon special verdict, 10886.
when new trial must be ordered, 10887.
degree of crime must be found, 9200, 9476, 10888.
finding on charge of previous conviction, 10889.
in lesser degree may be found, 10890.
several defendants; part convicted, 10891.
duty of court as to verdict returned, 10892.
court may reduce punishment, 10893.
jury to reconsider verdict, when, 10894.
— informal verdict, 10895.
judgment if jury persists; acquittal, 10896.
jury may be polled, 10897.
clerk to record verdict; dissent, 10898.
judgment of acquittal, discharge of accused, 10899.
verdict of guilty; procedure, 10900.
acquittal on ground of insanity; procedure, 10901.

§ 12. *Proceedings after verdict and before judgment.*

statement of the case and exception,
statement of the case, defined, 10902.
— office of, 10903.
— by whom settled; where filed, 10904.
matters deemed excepted to by either party, 10905.
— by the defendant, 10906.
matters defendant may except to, 10908.
clerk to enter orders; certified copies, 10907.
construction of the code, 10909.
exceptions settled at trial, 10910.
not settled at trial, 10911.
when supreme court may settle statement, 10912.
time for settlement may be extended, 10913.
what statements to contain, 10914.
record of action, what constitutes, 10915.

New trial,

new trial defined, 10916.
causes for granting new trial, 10917.
notice for application for new trial, 10918.
— affidavit; minutes of court, 10919.
time within which application for new trial must be made, 10920.

arrest of judgment,

motion in arrest of judgment, defined, 10921.
court may arrest judgment without motion, when, 10922.
further prosecution after arrest of judgment, 10922.

§ 13. *Judgment.*

time for pronouncing, 10924, 10925.
defendant's presence necessary in case of felony, 10926.
— in case of misdemeanor, 10926.
officer to produce defendant, 10927.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE — (continued).

- bench warrant,
 - may be issued after conviction, when, 10929.
 - duty of clerk, 10929.
 - form of bench warrant, 10930.
 - where and how served, 10931.
 - disposal of defendant on arrest, 10932.
 - defendant to be informed of rights before judgment pronounced, 10933.
 - defendant may show cause against judgment, 10934.
 - judgment to be rendered on failure to show cause, 10935.
 - on informal verdict, procedure, 10896.
 - plea of guilty,
 - court to hear evidence as to degree of crime, when, 10936.
 - aggravation; mitigation, 10937.
 - how evidence presented, 10938.
 - successive terms of imprisonment, when judgment to embrace, 10940.
 - judgment for fine and costs, 10940a, 10941.
 - entry in minutes; record, 10942.
 - in anti-trust proceedings, 9962.
 - in prohibition cases, 10127.
 - against accused public officer, 10478.
 - against corporations in criminal actions, 11086.
- § 14. *Indeterminate sentence and parole.*
- indeterminate sentence authorized, 10943.
 - official information of prisoner's character and habits, 10944.
 - retroactive application of article, 10945.
 - repeal of conflicting statutes, 10946.
 - duties of field officer, 10947.
 - board of experts, 10948.
 - compensation, 10949.
- § 15. *Probation of criminal.*
- probation authorized, 10950.
 - crimes to which probation act does not apply, 10951.
 - status of probationers, 10952.
 - form of probation of prisoner, 10953.
 - certification of probationer, 10954.
 - field officer, 10955.
 - termination of probation, 10956.
 - release from probation, 10957.
 - warrant for expenses, 10958.
- § 16. *Leniency for first offenders.*
- court may sustain or modify sentence, when, 10959.
- § 17. *Aid to poor convicts.*
- assistance may be furnished to convicts, when, 10960.
 - appropriation, 10960.
- § 18. *Execution.*
- certified copy of judgment to be furnished to officer, 10961.
 - execution for fines and costs, 10962.
 - commitment of prisoner, when, 10963.
 - judgment executed by what officer, 10964.
 - judgment of imprisonment in penitentiary, procedure, 10965.
 - authority of officer while conveying defendant to prison, 10966.
 - imprisonment in penitentiary is at hard labor, 10967.
 - judgment of death,
 - warrant to execute, 10968.
 - statement and evidence to be sent to governor, 10969.
 - governor may ask opinion of supreme court judges, 10970.
 - governor only, may reprieve, 10971.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE — (continued).

judgment of death — (continued).

- death penalty, how inflicted, 10972.
- execution to be at penitentiary, 10973.
- warden of penitentiary to act as executioner, 10974.
- trial judge to fix date of execution, 10974.
- compensation of executioner, 10975.
- duty of sheriff to conduct prisoner to penitentiary, 10976.
- fees of sheriff, 10977.
- whom allowed at execution, 10978.
- witnesses at execution, 10979.
- death watch, 10979a.
- duty of warden or deputy on suspension of, by governor, 10980.
- disposition of body of defendant after execution, 10981.
- proceedings in case of escape, 10982.
- when convicted appears insane, 10983.
- who shall attend inquiry, 10984.
- duty of sheriff, 10985.
- when convicted female is pregnant, 10986.
- sentence suspended, when, 10987.
- fees and mileage, 10988.

§ 19. Appeals.

in general,

- right of, in criminal actions in justice's court, 9156.
- procedure, 9174-9176.
- appeals in criminal actions from county court with increased jurisdiction, 8969.
- power of county court as to criminal prosecution where accused waives trial, 8963.
- from decision of district court in criminal cases, 10401.

notice of appeal and service,

- who may take appeal, 10989.
- defendant's right to appeal, 10990.
- title of action on appeal, 10991.
- from what defendant may appeal, 10992.
- from what state may appeal, 10993.
- time for appeal limited, 10994.
- manner of taking appeal; notice, 10995.
- publication where personal service not made, 10996.
- when appeal deemed taken, 10997.
- appeal by state, effect of as stay of judgment, 10998.
- when judgment superceded by appeal, 10999.
- duty of sheriff on stay of execution, 11000.
- execution suspended, 11001.
- duty of clerk when appeal taken, 11002.
- appeal by less than all of defendants, 11003.
- use of type-written abstracts and briefs on appeal permitted, 11004.
- appeal by defendant, judgment when stayed, 11005.
- duty of clerk and sheriff after bail, 11006.

dismissal of appeal for irregularity,

- irregularities in substantial particulars, 11007.
- when appeal must not be dismissed for irregularity, 11008.

arguments,

- when appeal to be argued, 11009.
- judgment to be affirmed or reversed, when, 11010.
- number of counsel to be heard, 11011.
- defendant need not appear in supreme court, 11012.

judgment in supreme court,

- technical errors to be disregarded, 11013.
- court may review intermediate order, 11014.

INDEX.

(References are to sections.)

CRIMINAL PROCEDURE — (continued).

judgment in supreme court—(continued).

power of supreme court on appeal, 11015.

new trial ordered, where to be held, 11016.

judgment reversed, defendant discharged, when, 11017.

judgment affirmed must be enforced, 11018.

judgment of the court to be entered on minutes and certificate remitted, 11019.

after remittitur district court only has jurisdiction, 11020.

appeal by state, power of supreme court, 11021.

deduction from sentence of time of imprisonment pending appeals, 11022.

§ 20. Dismissal of criminal action for want of prosecution.

prosecution to be dismissed, when, 11166.

court may order on continuance, 11167.

action dismissed, effect of, 11168.

reasons for dismissal set forth in order, 11169.

entry of nolle prosequi abolished, 11170.

dismissal for want of prosecution not bar to prosecution, 11171.

CROPS.

lien on, 6707.

injuring standing, punishment for, 10065.

CROSSINGS.

railroad company to maintain crossings over right of way, 4636.

how constructed, 4687.

railroads to maintain when person owns lands on both sides, 4645.

blocking or obstructing of railroad, unlawful, 10048, 10049.

CROTON OIL.

any product containing, must be labeled, 2942.

CROWS.

no closed season for, 10304.

CRUELTY.

in causing spouse to leave home as desertion, 4383.

CRUELTY, EXTREME.

as ground of divorce, 4380, 4381.

CRUELTY TO ANIMALS.

See Animals, § 12.

CUMULATIVE SENTENCE.

when to be inflicted, 10930.

CURBS.

See Cities, § 21.

CURES.

advertisement of certain, prohibited, 9656-9657.

CURLED DOCK.

as noxious weed, 2900.

CURTESY.

tenancy by, abolished, 4414.

INDEX.

(References are to sections.)

CUSPIDORS.

to be furnished in food producing establishments, 2967.

CUSTOM.

judicial notice of, 7938.

CUSTOMARY.

defined, 7302.

DAIRY.

sanitation of, see Food, § 2.

power of cities to regulate and provide for inspection of, 3599 (38).

inspection of, in cities under commission form of government, 3818 (31).

DAIRY COMMISSIONERS.

See Dairy Products, § 3.

DAIRY PRODUCTS.

§ 1. Dairy department.

department created, 2835.

deputy commissioner of agriculture and labor to be appointed, 2836.

deputy commissioner of agriculture and labor to act as dairy commissioner, 2836.

salary of dairy commissioner, 2837.

expenses of dairy commissioner, 2838.

duty of dairy commissioner, 2838-2841.

penalty for obstructing commissioner, 2842.

§ 2. General regulations.

butter and cheese defined, 10205.

cream station, defined, 2843.

license for manufacturing of dairy products, 2844, 2845.

annual report of cream station, 2846.

price discriminations forbidden, 2847.

report to governor by proprietor of factory, 2849.

stencil or brand required on property of dairy product factory, 2849.

standard milk and cream measurers, 2853.

tests of dairy products, 2853.

false reading of tests unlawful, 2854.

state counsel to provide for inspection of milk and dairy herds, 2860.

violation of article as misdemeanor, 2861.

appropriation for carrying out provisions of article, 2862.

as to regulations affecting sale of butter in cities under commission form of government, 3818 (29) (31).

§ 3. Dairy commissioners.

duties of, 2850.

report of, 2848.

authority of assistant, 2848.

§ 4. Adulterated products.

sale of adulterated products prohibited, 2855.

oleomargarine excepted, 2855.

oleomargarine and butterine, how marked, 2856.

renovated butter, how marked, 2857.

skimmed milk and cheese, how marked, 2858.

filled cheese, how marked, 2859.

guests of hotels, etc., to be apprised of the use of oleomargarine, 2863.

penalty for selling impure, adulterated or skimmed milk, 2851.

INDEX.

(References are to sections.)

DAIRY PRODUCTS—(continued).

- § 5. *Power of city over milk.*
to regulate the sale of, and provide for inspection, 3599 (38).
to regulate and provide for the inspection of all dairy premises wherever situated, 3599 (38).
to prohibit the sale of milk, 3599 (38).
provisions affecting the sale and inspection in cities under commission form of government, 3818 (31).
- § 6. *Offences against the penal code.*
selling imitation butter without brand, prohibited, 2855, 10196, 10197.
character of product must be designated, 10198.
patent butter and cheese, ingredients to be made known, 10199.
possession of article prohibited prima facie evidence of guilt, 10200.
specimens analyzed, 10201.
offering for sale of prohibited article prima facie evidence of unlawful character, 10202.
stencils; reports, 10203.
construction of provisions of chapter, 10204.
butter and cheese defined, 10205.

DAMAGES.

measure of damages in action against carrier, see Carriers, § 11.

- § 1. *In general.*
compensation defined, 7137.
damages defined, 7139.
detriment defined, 7140.
for future loss, 7141.
for all detriment proximately caused by wrong whether it could have been anticipated or not, 7165.
presumption of the value of an instrument in writing, 7180.
when nominal damages are recoverable, 7184.
limit for civil, not affected by omission in penal code, 10377.
offer of, fixed, 7858.
contracts fixing damages for breach of, void, 5925.
— exception, liquidated damages, 5925.
specific enforcement of contract containing provision for liquidated damages, 7196.
- § 2. *Recovery of, in special cases.*
from setting prairie fire, 2793, 2798, 2799, 2808.
for injury by motor vehicles on highways, 2976q.
for failure to build partition fences, 4317.
railroad companies not liable for personal injuries, when, 4637.
collision caused by violation of navigation rules, 5455, 5456.
where one wrongfully uses personal property of another, 5487.
for wilful deceit, 5943.
for wrongful use of deposit, 6022.
for postponing or delaying messages, 6270.
from dishonored bill of exchange, 7123–7125.
in contempt proceedings, 8195.
accrual of right to, in condemnation proceedings, 8224.
payment of, for establishment of dams, 8315.
liability for the embezzlement of the property of a decedent, 8709.
for trespassing animals, 2626–2633, 8500–8506.
caused by infected animals, liability for, 9796.
liability for injuries caused by stock running at large, 10192–10195.
- § 3. *Assessment of.*
in laying out, altering, or discontinuing highway, 1929.
— when not allowed, 1930.
when judgment taken by default, 7600.

INDEX.

(References are to sections.)

DAMAGES—(continued).

in injunction cases, 7532.

in condemnation proceedings, 8223.

§ 4. Mitigation of.

what defendant may show in conversion, 6721.

§ 5. Measure of.

in general,

provisions as to compensatory, exclusive of exemplary, and interest, 7181.

for wrongs in general, 7185.

method of estimating the value of property to the seller, 7177.

method of estimating the value of property to a buyer or owner thereof deprived of its possession, 7178.

when the peculiar value of property to the owner may be recovered as damages, 7179.

method of estimating damages of the value of an instrument in writing, 7180.

damages for breach of obligation must not exceed the benefit to have been derived from full performance, 7182.

amount of damages recoverable must be reasonable, 7183.

in special cases,

for breach of contract, 7146.

amount recoverable by the holder of an inferior lien for conversion of personal property by one having a superior lien, 7170.

for dishonor of foreign bills of exchange, 7148.

for negligence of depositary, 6026.

breach of warranty of agent's authority, 7163.

for breach of obligation to pay money, 7147.

for breach of an obligation not arising from the contract, in general, 7165.

for embezzlement of property of decedents, 8800.

in actions for timber,

for wrongful injuries to timber, 7176.

in carrier cases,

for extortion and discriminating rates by railroads, 4712.

breach of a carrier's obligation to accept freight, messages or passengers, 7160.

carrier's failure to deliver freight when he has not converted it to his own use, 7161.

carrier's delay in delivering freight, 7162.

in actions for personal wrongs,

for death by wrongful act, 8322.

breach of promise to marry, 7164.

for seduction, 7171.

in actions for real property,

for breach of covenants in deeds of conveyance of real estate, 7149, 7150.

breach of agreement to convey real estate, 7151.

breach of agreement to purchase real estate, 7152.

for wrongful occupation of real property in certain cases, 7166.

for wilful detention of real property while guardian or trustee for an infant, 7167.

for wilful detention of real estate after termination of life estate, 7167.

for failure of tenant to give up possession of premises after he has given notice of his intention to do so, 7173.

tenant's holding over after end of term and notice to quit, 7174.

for forceable ejecting or excluding persons from the possession of real property, 7175.

for the fraudulent sale of real estate of a decedent by an executor or administrator, 8804.

for roads open over public lands, 1942.

in actions for personal property,

breach of seller's agreement to deliver personal property not fully paid for, 7153.

breach of seller's agreement to deliver personal property which has been fully paid, 7154.

breach of agreement to accept and pay for personal property where title is vested in purchaser, 7155.

INDEX.

(References are to sections.)

DAMAGES—(continued).

in actions for personal property—(continued).

breach of agreement to accept and pay for personal property where title is not vested in purchaser, 7156.

breach of warranty of title to personal property, 7157.

breach of warranty of the quality of personal property sold, 7158.

breach of warranty of the fitness of personal property sold for a particular purpose, 7159.

wrongful conversion of personal property, 7168.

§ 6. Interest on.

right to recover interest on damages, 7142.

allowance of interest in the discretion of the jury in certain cases, 7143.

§ 7. Exemplary.

right of jury to give exemplary damages where defendant has been guilty of oppression, fraud or malice, 7145.

for injuries to animals, 7172.

not allowed in proceedings for establishment of dams, 8314.

minor or insane person not liable for exemplary, 4347.

§ 8. Treble.

when allowed against railroad company, 4734.

for malicious mischief, 10050.

DAMS.

for irrigation purposes, see Irrigation, § 8.

interfering with, misdemeanor, 10070.

for milling purposes, 8304-8320.

DANDELION.

as noxious weed, 2900.

DEAD BODIES.

See Burial.

removal of, of person dying from contagious disease, 424.

of person dying from contagious diseases, burial of, 427.

regulation of burial of, 439.

rules for disinfecting by state board of embalmers, 542.

right to dispose of one's own body, 9617.

duty of burial, 9618.

right to transport dead body, 9619.

dead limb or member of body, 9623.

whose duty to bury, 9624.

neglect to bury, misdemeanor, 9625.

who entitled to custody of body, 9626.

unlawful removal of dead body, 9627.

purchasing dead body forbidden, 9628.

unlawfully opening place of burial, 9629.

when body removable from cemetery, 9630.

arresting or attaching dead body, 9631.

disturbing funerals, 9632.

injury to cemetery or tomb, 9633.

disposition of dead bodies by coroner, payment of expenses, 3417.

disposition of property found upon dead bodies, 3420.

dissection of,

to be used for dissecting, when, 472-474, 9620.

when to be used for promotion of anatomical science, 2809-2811.

unlawful dissection, misdemeanor, 9621, 9634.

remains after dissection, 9622.

DEAF AND DUMB, SCHOOL FOR.

under management of state board of control, 243.

annual tax for maintenance, 1416.

INDEX.

(References are to sections.)

DEAF AND DUMB, SCHOOL FOR — (continued).

portion of state fund raised by taxation, 1745.
location of, 1680.
board of trustees,
 how appointed, 1681.
 organization of, 1682.
 meetings of, 1682.
 oath of office of, 1683.
 compensation, 1687.
duties of officers of board, 1683.
board to direct disposition of moneys, 1694.
duties of board, 1685.
indebtedness limited, 1686.
fee for nonresident children, 1688.
residents entitled to education free, 1689.
accounts for clothing, how collected, 1690.
transportation for indigent persons, 1691.
faculty,
 duties of principal, 1692.
 duties of matron, 1693.
biennial report of board, what to contain, 1694.
disposition of money received, 1695.
books open to inspection, 1693.
itemized vouchers, 1697.
no compensation to be paid trustees, 1698.
duties and bond of treasurer, 1808.
accounting officer, 1807, 1811, 1816.
introduction of intoxicating liquor into, prohibited, 10174.

DEATH.

See Homicide; Dead Bodies.

as to effect of death of holder of homestead, see Homestead, § 4.
effect of death of party to action on judgment, see Judgment, § 4.

§ 1. *In general.*

of person, how proved, 7921.
certified copy of record of, 454.
messages relative to, entitled to preference, 6263.
legacy in fear of, may be satisfied before death, 5730.
life sentence constitutes civil, 10351.
of inmate of penitentiary or reform school, inquest, 11298-11303.
effect of death after verdict upon lien of judgment rendered thereon, 8808.
of party, effect of, before judgment, 7681.
action not abated by, 7408.
limitation of actions in case of, 7383.
design to effect, inferred when, 9464.
malicious injury to railroad resulting in, punishment, 10036.
caused by spring gun or trap, 9498.
feloniously causing death of testator bar to taking under will, 5683.

§ 2. *Presumptions as to.*

presumption of survivorship where two or more persons die in same calamity, 7936,
from absence of person, 7936.

§ 3. *Effect of death of trustee.*

of one of several trustees, 5403.
of death of trustee of power, 5439.

§ 4. *As termination of contract.*

of insured, effect of, 6470.
as termination of hiring, 6088.
of employer as termination of contract, 6127.

INDEX.

(References are to sections.)

DEATH—(continued).

- of employee as termination of employment, 6127.
- of partner as termination of partnership, 6415.
- as dissolution of marriage, 4379.
- as termination of trust, 6313.
- § 5. *By wrongful act, action for.*
 - when action for maintainable, 8321.
 - measure of recovery, 8322.
 - who may bring action, 8323.
 - recovery exempt from decedent's debts, 8324.
 - action not abated by death, 8325.
 - compromise of action, 8326.
 - liability of common carrier for death of employee, 4804.
 - of party to action for wrongful death does not cause abatement, 8325.
 - limitation of action for, 7377.
- § 6. *Concealing death of child.*
 - punishment, 9606.
 - attempt to conceal, of child, second offence, 10341.
 - concealing death of infant, coverture no excuse for, 9213.
- § 7. *As punishment.*
 - as punishment for crime, 9195, 10385.
 - provisions carrying out judgment of, 10968-10988.

DEATH BY WRONGFUL ACT.

See Death, § 5.

DEATH CERTIFICATE.

form of, 441.

DEATH PENALTY.

See Criminal Procedure.
how inflicted, 10972.

DEATH WATCH.

appointment of, 10979a.

DEBTORS.

debtor defined, 7215, 7285.
contract of, when valid against creditor, 7217.
may prefer creditors, 7218.
act of, may be avoided by creditor, when, 7222.
concealing estate, misdemeanor when, 9423.
joint and several, summons not served on all, 7435.
effect of naming debtor in will as executor as a discharge of debt due testator, 8716.
liability of decedent's life insurance to the claims of creditors, 8719.
accepting principal as waiver of claim to interest, 7144.
testamentary discharge of claim invalid as against creditors, 8718.
See also Fraudulent Conveyance.

DECEDENTS' ESTATES.

See Estates of Deceased Persons.

DECEIT.

definition, 5944.
liability for wilful deceit resulting in injury, 5943.
when intent to defraud, presumed as to everyone misled, 5945.
by attorney, how punished, 795.

INDEX.

(References are to sections.)

DECISIONS.

- of supreme court, see Courts, Supreme, § 5.
- of district court, see Courts, District, § 6.
- of county court, see Courts, County, § 11.
- admissibility of, as evidence, 7910.
- when deemed excepted to, 7653.
- facts and conclusions to be separately stated, 7639.

DECREE.

- See Courts, County, § 11; Courts, District, § 6; Courts, Supreme, § 5.
- certain decrees legalized, 5581.

DEED OF TRUST.

- by railroad company, how executed and recorded, 4624.

DEEDS.

- as to tax deeds, see Taxes, § 24.
- § 1. *In general.*
 - where to be deposited, 1917.
 - as property, 5467.
 - value of instrument in writing presumed to be that of the property to which entitles its owner, 7180.
 - taxes paid before recorded, 2212.
 - limitation of actions on contracts contained in, 7374.
 - duty of county treasurer as to certifying abstract of title as to taxes, 3345.
 - measure of damages for breach of covenant in conveyance of real estate, 7140, 7150.
 - made or taken in good faith legalized, 5577.
 - certain deeds legalized, 5581.
 - forgery of, 9882.
- § 2. *Form of.*
 - must be in writing, 5511.
 - form of deeds on the sale of property to satisfy special assessments for public improvement, 3733.
 - tax deed, form of, 2206.
- § 3. *Record.*
 - duty of recorder of deeds as to recording deeds, 3330.
 - in unorganized counties, where recorded, 5559.
 - fees for recording, 3511.
- § 4. *In judicial sale of property.*
 - referee to make deed in partition action, 8057.
 - of sheriff on execution sale, 7757, 7763, 7764.
 - on mortgage foreclosure, 8106.
 - on foreclosure of mortgage by advertisement, 8087.
 - to be given on sale of forfeited real property, 2204.

DEER.

- open season for, 10298.

DE FACTO.

- officers, acts valid, when, 9301.

DEFAMATION.

- classified, 4351.

DEFAULT.

- judgment on, 7600.
- judgment on, when service is by publication, 7600.
- divorce not to be granted upon, 4400.
- of insurance companies, securities to vest in policy holders, 4850.

INDEX.

(References are to sections.)

DEFAULTERS.

proceedings against, by state auditor, 134.

DEFEASANCE.

of grant of real property must be recorded, 6755.
transfer may be shown to be mortgage, when, 6729.

DEFECT.

of parties, as grounds of demurrer, 7442.

DEFECTIVES.

sterilization of, see Sterilization of Defectives and Criminals.

DEFENDANT.

§ 1. *In civil action.*

defined, 7355.
served by publication, when permitted to defend, 7434.
who may be, in action to quiet title, 8148.
proceedings when summons not served on all, 7435.
in default need not be served with notices, etc., 7956.

§ 2. *In criminal action.*

defined, 10392.
use of fictitious name for, in indictment, 10687.
commitment of, for trial, 10866.
rights of, in criminal action, 10393.
right of, to have depositions taken, 11039.
to be witness in own behalf, 10837.
conviction of one or more of several, 10704.
discharged upon acquittal, when, 10899.
discharged where no crime shown, 10853.
discharged when arrested on warrant not from proper county, 10851, 10852.
discharge of, to testify, as acquittal, 10834-10836.
one or more of several may be acquitted or discharged, 10704.
disposition of, on discharge of jury, 10848.
after conviction to be informed of rights, 10933.
right to appeal, 10990.
appeal by less than all, 11003.
custody of, on appeal, 11005.
personal appearance of, on appeal unnecessary, 11012.
sanity of, trial of question of, 11064.
acquitted for insanity, disposal of, 9210.
insane, how disposed of, 11068.
insane, trial after recovery, 11070.

DEFENSE.

to crimes, see Crimes, § 4.

DEFINITION.

abandonment, 6592.
absolute ownership, 5258.
acceptance, 7017-7020-7075.
accord, 5825.
accommodation parties, 6914.
"acre foot," 8274.
action, 7330.
"actual total loss," in marine insurance, 6584.
adultery, 4381.
advancements, 5755.
affidavit, 7884.

INDEX.

(References are to sections.)

DEFINITION — (continued).

- agency, 6319.
- agency, actual, 6323.
- agency, ostensible, 6324.
- agents, special and general, 6321.
- agreement to sell, 5953.
- to buy, 5954.
- to sell and buy, 5955.
- allegiance to the state, 16.
- appurtenances, 5252.
- arson, 9849.
- terms used in law against arson, 9850-9854.
- assault, 9545.
- assembly, unlawful, 9810.
- auction, 5995.
- "author" of power, 5384.
- barber, 571.
- battery, 9546.
- baggage, 6244.
- bigamy, 9613.
- bill of exchange, 7081.
- bill of exchange, foreign, 7013, 7014.
- bill of exchange, inland, 7013, 7014.
- bills of lading, 6209.
- blasphemy, 9222.
- bottomry, 6796.
- bribe, 10362.
- bribery, solicitation of, 9329.
- burglary, 9868-9875.
- business day, 7299.
- butcher, 9997.
- butter, 10205.
- care, degree of, 7281.
- "case" as used in the probate code, 8513 (1).
- carriers, common, 6235, 4708.
- carriers, marine, 6187.
- carriers, inland, 6187.
- cattle, Texas, 2677.
- challenge to duel, 9539.
- charter party, 6104.
- chattel interests, 5308.
- chattels, real, 5308.
- cheese, 10205.
- check, 7069, 7131.
- children, 9655.
- "clerk," as used in probate code, 8513 (2).
- "codicil," as used in probate code, 8513 (3).
- "collusion" as bar to divorce, 4389.
- compensation, 7137.
- "complaint" in criminal action, 10525.
- "complaint" in proceedings for security to keep the peace, 10406.
- compound interest, 7310.
- commissioner, city, 3833.
- concealment, 6480.
- condition precedent, 5771.
- condition subsequent, 5773.
- "condonation" as bar to divorce, 4390-4392.
- "connivance" as bar to divorce, 4388.

INDEX.

(References are to sections.)

DEFINITION — (continued).

consent, mutual, 5857.
"constructive total loss" in **marine insurance**, 6588.
consideration, good, 5873.
consignee, 6197.
consignor, 6197.
conspiracy, criminal, 9441.
contempt, civil, 8180.
contempt, criminal, 8178.
continued guarantee, 6666.
contract, 5836.
contract for carriage, 6185.
contracts, express, 5884.
contracts, implied, 5885.
corporation, 4494.
corruptly, 10359.
council, city, 3833.
council, town, 3833.
"county court," as used in the probate code, 8513 (2).
"county judge," as used in the probate code, 8513 (2).
"conveyance" as used in recording act, 5594.
cream station, 2843.
creditor, 7216-7285.
criminal actions, 7333, 10390.
criminal libel, 9550.
customary, 7302.
damages, 7139.
"day" in article against Sabbath breaking, 9234.
debtor, 7215-7285.
deceit, 5944.
defendant, 7355.
dentistry, 509.
depose, 7309.
deposition, 7885.
detriment, 7140.
deviation, 6577.
director, 10024.
disfigurement, 9509.
"domestic," as applied to insurance companies, 4834.
drain, 2461.
drivers, 2607, 2608.
drovers, 2607, 2608.
drugs, 2940.
drunkard, 3166.
duel, 9535.
duress, 5846.
dwelling house, 9880.
election, 9287.
embezzlement, 9929.
encumbrance, 5531.
eminent domain, 8202.
employee, 6105.
"employee" as used in article requiring use of headlights on locomotives, 4694.
employer, 6105.
employment, 6105.
escrow, 5498.
estates of freehold, 5308.
estate in fee, 5305.

INDEX.

(References are to sections.)

DEFINITION — (continued).

estates tail, 5306.
examination, oral, 7886.
exchange, 6003.
express company, 2247.
factor, 6145, 6369.
felony, 9197, 10387.
fences, legal, 4294, 4295.
fiscal year, 632.
fiscal year of city organized under general law, 3676.
fixtures, 5251.
"food," as used in sanitation of food producing establishments act, 2062.
"foreign," as applied to insurance companies, 4834.
fraternal beneficiary associations, 6059.
fraternal corporations, 5017.
fraud, 5848.
fraud, actual, 5849.
fraud, constructive, 5850.
freehold, 5309.
freight, 6197.
freightage, 6556.
freight line company, 2247.
fungicide, 10218.
gift, 5538, 9344.
good faith, 7286.
good will, 5465.
goods, 9717.
gophers, 2873.
grand jury, 10634.
grant, 5494.
gratuitous deposit, 6027.
guarantee, 6651.
guardian, 4451.
guardian, general, 4454.
guardian, special, 4455.
head of families, 5626.
"highest bidder," in sale of stock for delinquent assessment, 4581.
hiring, 6079.
homestead, 5605.
homestead estate, 5628.
homicide, 9457.
hotel, 2979.
income, 5301.
indemnity, 6641.
indictment, 10526.
information, 10527.
insane, 2567.
idiot, 2567.
insecticide, 10218.
insurable interest, 4666.
insurance, 6558.
insurance agents, 4959.
insurance company, 6635.
insurance, double, 6547.
insurance, marine, 6553.
insurer; insured, 6401.
interest, 6070.
interest, future, 5268.

INDEX.

(References are to sections.)

DEFINITION— (continued).

interest, present, 5267.
intoxicating liquor, 10105.
investment companies, 5221.
“in view of death,” 5541.
importers of concentrated commercial feed stuffs, 2920, 2921.
jettison, 6225.
judgment, 7599.
“judgment” in special proceedings, 8444.
kidnapping, 9514.
knowingly, 10361.
land, 5250.
larceny, 9913.
law, 4327.
lead arsenate, 10218.
“legal school year” as used in teachers’ retirement fund act, 1629.
letter of credit, 6690.
libel, 4352.
lien, 6699.
— general, 6701.
— special, 6702.
“liquors” within pure liquor law, 10157.
loan for exchange, 6062.
loan for use, 6050.
lodge system, 5060.
lottery, 9660.
luggage, 6244.
magistrates, 10365, 10528, 10529.
malice, maliciously, 10360.
“mandate,” as used in probate code, 8513 (5).
“manufacturers” in article on taxation, 2109.
marriage, 4357.
mate, 6161.
mayor, 3833.
menace, 5847.
members, 4515.
“merchant” in article on taxation, 2109.
merchant, transient, 3036.
mischief, malicious, 10050, 10051.
misdemeanor, 9197, 10387.
mistake of fact, 5854.
mistake of law, 5855.
month, 7305.
mortgage, 6725.
motor vehicle, 2976a.
motion, 7940.
“motion” in special proceedings, 8444.
mutual obligation, 5769.
negligence, degrees of, 7283.
negligence, 10358.
negligent, 10358.
negro, 9583.
new trial, 7659.
night time, 9881.
notice, actual, 7280.
notice, constructive, 7289, 7290.
novation, 5829.
noxious weeds, 2817.

INDEX.

(References are to sections.)

DEFINITION — (continued).

nuisance, 7228.
— public, 7229, 9742.
— private, 7230.
oath,
obligation, 5763.
official newspaper, 7306.
optometry, 524.
order, 7939.
“order,” in special proceedings, 8444.
owner, 8501.
“owner,” in mechanic’s lien law, 6828.
ownership, 5245.
panel, 10790.
paper, 7293.
paris green, 10218.
partnership, 5263, 6386.
partnership, general, 6401.
partnership property, 6389.
peace officer, 10364, 10539.
person, 2074, 7294, 10371, 10372.
“person interested,” as used in probate code, 8513 (4).
plaintiff, 7355.
pledge, 6770.
policies, 6503.
policy, open, 6512.
policy, valued, 6513.
policy, running, 6514.
pools, 9951.
possession, 7326.
“possible” as requisite of object of contract, 5869.
power, general, 5386.
power, special, 5387.
power, beneficial, 5388.
power in trusts, 5389.
“power” in respect to real property, 5383.
practice of medicine, 462, 463.
physicians, 462.
premium, 6531.
prescription, 5470.
“principal part” where things belonging to separate owners have united, 5480, 5481.
printed, 7311.
prison, 9361.
prisoner, 9361.
profanity, 9225.
prohibition, 8470.
promissory note, 7068, 7125.
property, 7309, 10370.
property, personal, 2077, 5253, 7309, 10369.
property, real, 2074, 2076, 5249, 10368.
“public roads,” 1918, 1919.
publication, 9555.
“purchasers” as used in recording act, 5595.
pure bred live stock, 4952.
railroads, 4709, 4793.
railroad corporations, 4709, 4793.
“railroads” as used in article relative to headlights, 4694.

INDEX.

(References are to sections.)

DEFINITION — (continued).

- rape, 9563-9566, 9567.
- “recrimination” as bar to divorce, 4393.
- re-insurance, 6549.
- remainder, 5312.
- representative form of government, 5061.
- respondentia, 6809.
- reversion, 5311.
- riot, 9807, 9809.
- robbery, 9521.
- Sabbath breaking, 9233.
- sale, 5950.
- seaman, 6162.
- search warrant, 11129.
- seaworthy, 6568.
- servant, 6134.
- several, 7295.
- ship, 5447.
- ship, foreign, 5440.
- ship, domestic, 5440.
- ship managers, 6180.
- shipping, appurtenances to, 5442.
- signature, 7309, 10366.
- slander, 4353.
- snuff, 10181.
- sodomy, 9616.
- special proceedings, 7331.
- stallion, 2763.
- state, 7326.
- stock growers, 2607, 2608.
- stockholder, 4554.
- stockholders, 4515.
- storage, 6031.
- “sub-contractor” in mechanic lien law, 6829.
- subornation of perjury, 7379.
- subpoena, 11023.
- subscription, 7309.
- “successive weeks,” 7817.
- suicide, 9448.
- surety, 6681.
- “teacher” as used in teachers’ retirement fund act, 1523.
- telephone company, 2247.
- telegraph company, 2247.
- tenancy, common, 5264, 5265.
- tenancy, joint, 5263.
- tenement, dominant, 5332.
- tenement, servient, 5332.
- terms used in chapter on taxation, 2074.
- terms used in game and fish law, 10275.
- terms used in motor vehicle act,
 - motor vehicles, 2976a.
 - legal authorities, 2976a.
 - state, 2976a.
 - owner, 2976a.
 - public highway, 2976a.
- terms used in cold storage act,
 - cold storage, 3149.

INDEX.

(References are to sections.)

DEFINITION — (continued).

terms used in cold storage act—(continued).
cold stored, 3149.
articles of food, 3149.
terms used in negotiable instrument act, 7075.
testify, 7309.
things in action, 5445.
third person, 7296.
trademark, 9716.
transfer, 5488.
transportation, 4709.
treason, 9447.
trusts, 9951.
undue influence, 5852.
unfair competition, 3043.
United States, 7326.
usage, 7301.
usual, 7302.
usury, 6073.
vagrancy, 9658.
value, 7303.
valuable consideration, 7303.
verdict, 7304.
verdict, general and special, 7632.
vessels, 10363.
village board, 3833.
“waiver” of protest, 6996.
ward, 4452.
warehouse, public, 3107.
warrant, 10536.
warranty, 5973.
water course, 5341a.
“wilful neglect” as ground for divorce, 4384.
“wilful desertion” as ground of divorce, 4383.
wilfully, 10357.
“will” as used in probate code, 8513 (3).
will, olographic, 5648.
without issue, 5506.
writ, 7326.
writing, 7311, 10367.
writing as to forgery, 9911.
year, 7305.

DEGREES.

from educational institutions, how conferred, 5015.

DELAY.

pleadings for purpose of, to be stricken out, 7481,

DELINQUENT CHILD.

defined, 11403.
what constitutes, 11411.

DELIVERY.

defined, 7075.
of written contracts, chapter on transfers applies, 5892.
contract takes effect on, 5891.
essential to pledge, 6772.

INDEX.

(References are to sections.)

DELIVERY—(continued).

requisite to validity of gift, 5539.
buyer's directions as to, to be followed, 5971.
duty of seller of personalty as to, 5965, 5966.
of personal property after sale, 5967-5972.
expense of, borne by whom, 5969.
of grant to grantee, absolute, 5497.
of grant in escrow, 5498.
on demand by depositary, 6013.
place of, of deposit, 6015.
manner of, of freight by carrier, 6202.
place of, by carrier of freight, 6203.
of freight to consignor, exoneration of carrier by, 6214.
of luggage, how and when made, 6246.
of messages, 6233.
of property belonging to ward, 8525.
estate to legatees, when, 8844.

DEMAND.

when necessary for restoration of thing obtained by deceit, 5947.
as prerequisite to delivery by depositary, 6014.
before sale of pledge, 6785.

DEMONSTRATION FARMS.

establishment of, 1623.

DEMURRAGE.

See Carriers, § 7.

DEMURRER.

See Pleadings, § 6; Criminal Procedure, § 10.

DENTISTS.

§ 1. *In general.*

dentistry defined, 509.
record of certificate, 511.
fees for recording certificate, 511.
renewal of certificate, 511.
annual fees, 512.
certificate as evidence, 513.
practicing without license prohibited, 514.
penalty for violation, 514.
penalty for false pretenses as to possession of license, 515.
exempt from jury duty, 814.

§ 2. *State board of dental examiners.*

how constituted, 507.
appointment to, 507.
vacancies in, how filled, 507.
qualification of members, 507.
vacancies, 507.
officers of, 508.
meetings of, 508.
compensation of, 508.
report of, 508.
examinations for licenses for practicing dentistry, 510.
license to practice dentistry, 510.
revocation of license, 510.

INDEX.

(References are to sections.)

DENTISTS — (continued).

- grounds for revocation, 510.
- powers of board to make rules, 513.
- record of proceedings of board, 513.

DEPORTATION.

- of inmates of institution for feeble-minded, when, 1715.

DEPOSE.

- defined, 7309.

DEPOSIT.

§ 1. *In general.*

- classified, 6007.
- voluntary, 6008.
- involuntary, 6009.
- duty of depositary, 6010.
- for keeping, 6011.
- for exchange, 6012.
- of thing offered in performance of contract, 5819-5820.
- seller of personalty to act as depositary, when, 5965.
- insurable interest of depositary in, 6468.
- for exchange title transferred by, 6049.
- for undertaking on appeal, 7823.

§ 2. *Obligations of depositary.*

- delivery on demand; exceptions, 6013.
- demand prerequisite to delivery, 6014.
- place of delivery, 6015.
- prompt notice of adverse claim, 6016.
- notice of wrongful detention, 6017.
- delivery to disagreeing owners, 6018.

§ 3. *For keeping.*

- indemnity to depositary for damages, 6019.
- care of animals, 6020.
- deposit not to be used, 6021.
- damages for wrongful use, 6022.
- sale if perishing, 6023.
- when willfulness or gross negligence will be presumed, 6024.
- rules governing services by depositary, 6025.
- measure of depositary's liability, 6026.

§ 4. *Gratuitous.*

- gratuitous deposit defined, 6027.
- involuntary deposit gratuitous, 6028.
- degree of care required of gratuitous depositary, 6029.
- when duties of gratuitous depositary cease, 6030.

§ 5. *Storage.*

- storage defined, 6031.
- degree of care required, 6032.
- right to compensation, 6033.
- termination of deposit, 6034.
- payment for full time, 6035.

§ 6. *Innkeeper as depositary.*

- liability for loss of property,
 - in general, 6036.
 - special arrangements, 6037.
- duties of guests and innkeepers, 6038.
- character of innkeeper's liability; limitation, 6039.

INDEX.

(References are to sections.)

DEPOSIT — (continued).

§ 7. *For exchange.*

title transferred by loan for, 6049.

§ 8. *Finding.*

finder as depositary for owner, 6040.

duty to notify owner, 6041.

proof of ownership may be required, 6042.

compensation and reward, 6043.

storing releases from liability, 6044.

when finder may sell, 6045.

manner of sale, 6046.

claim exonerated by surrender, 6047.

article not applicable to things abandoned, 6048.

DEPOSITARIES.

of county funds, 3315-3329.

of school funds, 1472-1488.

state,

designated by board of auditors, 370.

conditions of becoming, 370.

funds of state deposited in, 370.

bond to be furnished by, 371.

state treasurer not liable for funds deposited in, 372.

state examiner to examine, 373.

penalty for refusal to allow examination, 374.

for deeds and title papers of state, 1917.

DEPOSIT IN COURT.

when subject to order of deposit, 7593.

voluntary deposit of property adversely claimed, 7594.

disobedience of order to deposit, contempt, 7595.

defendant's admissions, 7596.

provisional remedy by, 7487.

DEPOSITIONS.

§ 1. *In general.*

defined, 7884.

cases in which depositions may be used, 7889.

for state live stock sanitary board, 2691.

in contests of election, how taken, 1050, 1073, 1076, 1080, 1086.

right to take depositions for proceedings in the county court, 8570.

disclosing contents of, misdemeanor when, 9421-9422.

§ 2. *Officers who may take.*

before whom in state, 7891.

before whom out of state, 7892.

ineligibility of officer, 7893.

commission to take deposition, 7894.

§ 3. *Manner of taking and authenticating.*

notice to adverse party; contents, 7895.

when taken without notice, 7896.

deposition of additional witnesses, 7897.

notice by publication, 7898.

to be written and transcribed, 7899.

how returned and opened, 7900.

how far may be used, 7901.

INDEX.

(References are to sections.)

DEPOSITIONS — (continued).

- how authenticated, 7902.
- certificate of officer taking deposition, 7903.
- what to be shown before reading, 7904.
- when filed, 7905.
- § 4. *Exception to.*
 - how and when taken, 7906.
 - questions on, to be heard before trial, 7907.
 - errors of court as to exceptions, how waived, 7908.
- § 5. *Proceedings to perpetuate testimony.*
 - requisites of petition, 7927.
 - officers, authority to act, 7928.
 - how examinations made and authenticated, 7929.
 - papers filed as evidence, 7930.
 - when deposition may be used, 7931.
 - same effect as oral testimony, 7932.
 - costs paid by whom, 7933.
- § 6. *In criminal actions.*
 - right of defendant to take in case of sick witness, 11040.
 - affidavit for application, what to contain, 11041.
 - notice of, 11042.
 - court to issue order for examination, 11043.
 - contents of order; service, 11044.
 - when examination shall not proceed, 11045.
 - how attendance of witness may be enforced, 11046.
 - testimony to be written and authenticated, 11047.
 - deposition may be read in evidence, 11048.
 - witness confined in penitentiary, procedure for taking deposition, 11049.
 - how taken without state,
 - appointment of commissioner and preparation of interrogatories, 11051.
 - contents of affidavit for application, 11052, 11053.
 - order of court for commission, 11054.
 - interrogatory, service of, 11055.
 - court must direct manner of return, 11056.
 - manner of executing commission, 11057.
 - commission delivered to agent, 11058.
 - procedure upon agent's becoming incapacitated, 11059.
 - commission and return must be filed, 11060.
 - constitute public record, 11061.
 - deposition may be read on trial, 11062.
- § 7. *Fees.*
 - of clerk of district court for taking depositions, 3498.
 - coroner's fee for drawing and returning depositions at inquisitions, 3527.
 - of notary public for taking, 3529.
 - of justices of the peace for taking depositions, 3530.

DEPUTIES.

- appointment,
 - how made, 701.
 - revocation, 701.
- bond, 701.
- oath, indorsements on bond, 703.
- qualifications; must be resident of state, 704. 705.
- liability of officers for acts of deputies, generally, 701.

DESCENT AND DISTRIBUTION.

See Succession; Executors and Administrators; Estates of Decedents.

INDEX.

(References are to sections.)

DESERTION.

of family, see Non-support.
of seamen, effect on wages, 6176.

DESERTION, WILFUL.

defined, 4383.
as ground of divorce, 4380.
duration of, as ground for divorce, 4386.

DES LACS LAKE.

right of way for highway over, 2050.

DETRIMENT.

defined, 7140.

DEVIATION.

from voyage, defined, 6577.

DEVILS LAKE.

right of way for highway over, 2048.
bird reservation, 10323, 10324.

DEVISE.

See Wills, §§ 16, 17.

DILIGENCE.

See Care.

DINING CAR COMPANIES.

assessment of, 2144.

DIPLOMAS.

to be recognized in issuing teacher's certificate, 1305, 1306.
of normal schools,
to be issued by the faculty to graduates, 1594.
to serve as teachers' licenses, 1595.
of certified veterinarians, 2715.

DIPPING TANKS.

See Animals, § 6.

DIRECTORS.

of corporations, see Corporations, § 5.

DISBARMENT.

of attorney, see Attorneys, § 7.

DISCHARGE.

of attachment, see Attachment, § 7.
of liens, 6880.
of judgment, how made, 7701.
of mortgage, 6744-6749.
causes for discharge of servant, 6140.
when mate or seaman may be discharged, 6163.
of jury, on allowance of challenge, 10799.
of prisoner, on judgment of acquittal, 10899.
of inmate, of reform school for good conduct, 11288.
of inmates from penitentiary, provisions for, 11228.

INDEX.

(References are to sections.)

DISCOVERY.

power of commissioner of agriculture to examine persons, books and papers, 166.
procedure for the discovery of property of decedents, 8712, 8713, 8800.

procedure for the discovery of a person under guardianship, 8919.

compelled in case of insolvent corporation, when, 8002.

examination of parties,

action for discovery, when allowed, 7862.

adversary as witness, 7863.

examination before trial, 7864.

attendance compelled; examination filed, 7865.

rebuttal, 7866.

refusal punished as contempt, 7867.

party examined on his own behalf, 7868.

beneficiary examined, 7869.

examination of adverse party, 7870.

DISCRIMINATION.

in price at cream station prohibited, 2840.

storage charges not to be discriminatory, 3143.

by common carriers, prohibited, 4718a.

by common carriers, penalty for, 4712.

by common carriers, forfeiture for, 4757.

in common carrier rates, what constitutes, 4719.

by railroads prohibited; punishment, 4754.

by railroad companies, penalty for, 4756.

in price of railroad ticket prohibited, 4682.

suit to be brought by railroad commissioners for, 4758.

by railroad companies as to quantity, 4755.

between long and short hauls, prohibited, 4720.

DISEASES.

See Contagious Diseases; of animals, see *Animals*.

DISENFRANCHISEMENT.

as penalty for bribery, 9235.

DISMISSAL.

of actions, 7597, 7598.

DISORDERLY ASSEMBLIES.

power of cities to prevent and suppress, 3599 (54).

DISORDERLY HOUSE.

See *Bawdy House*.

DISQUALIFICATION.

to hold or enjoy office as punishment for crime, 9195.

DISSECTION.

of dead bodies, see *Dead Body*.

DISSOLUTION.

of corporation, see *Corporation*, § 17.

of partnership, see *Partnership*.

DISTRESS.

of personal property for unpaid taxes, 2166.

INDEX.

(References are to sections.)

DISTRIBUTION.

- of decedent's estate, see Estates of Deceased Persons, § 6.
- as to inheritance, see Succession.
- by referee, of proceeds of sale in partition action, 8045.

DISTRICT COURT.

- See Courts, District.

DISTRICT HIGH SCHOOL.

- See Schools and School Districts, § 10.

DISTRICT SCHOOL SUPERINTENDENT.

- See Schools and School Districts, § 24.

DISTURBANCE.

- of proceedings of court or referee as contempt, 9419.
- of legislative assembly meetings, misdemeanor, 9321.
- of religious meeting, as misdemeanor, 9247.
- of religious meeting, acts deemed to be, 9248.
- of funeral, misdemeanor, 9632.
- of political meetings, misdemeanor, 9269.
- of lawful meeting, misdemeanor, 9806.

DITCH.

- drainage along highway, 2041-2042.
- duty of owner of, where highway is laid out across, 1934.
- of persons holding title to government land over which highway is laid out, 1942.

DIVERSION.

- of funds of insurance companies to aid political parties, prohibited; penalty, 4858.

DIVORCE.

- as dissolution of marriage, 4379.
- causes of,
 - adultery, 4380.
 - extreme cruelty, 4380.
 - wilful desertion, 4380.
 - wilful neglect, 4380.
 - habitual intemperance, 4380.
 - conviction of felony, 4380.
 - adultery defined, 4381.
 - extreme cruelty defined, 4382.
 - wilful desertion defined, 4383.
 - wilful neglect defined, 4384.
 - habitual intemperance defined, 4385.
- duration of offenses as grounds for, 4386.
- causes for denying,
 - connivance, 4387, 4388.
 - collusion, 4387, 4389.
 - condonation, 4387, 4390-4392.
 - recrimination, 4387, 4393.
 - limitation and lapse of time, 4387, 4396.
- legitimacy of children of divorced parents, 4394-4395.
- limitation of action for, 4396-4397.
- time of residence required for, 4398.
- presumption of domicile in actions for divorce, 4399.
- proof required to grant, 4400.
- not to be granted upon default, 4400.

INDEX.

(References are to sections.)

DIVORCE — (continued).

custody of children, 4404.

alimony,

provisions as to alimony, 4401-4406.

security for alimony, 4406.

provisions for maintenance of wife and children although divorce denied, 4401.

DOCK.

right to take property by eminent domain for, 8203.

DOCKAGE.

when not to be taken or received, 3014.

DOCKET.

See Judgment, § 5.

DOCUMENTS.

executive, printing of, see Public Printing,

officially printed, as evidence, 90.

admissibility of, as evidence, 7910.

exhibit and request of admission of genuineness, 7860-7861.

court may order produced, when, 7861.

official, how proved, 7919.

copies of, to be used when, 7962.

lost, copies to be substituted, 7968.

refusal of officer to surrender at close of term, 9317.

destroying, mutilating or altering, liability for, 9363, 9364.

false or forged, offered for record, 9365.

DODDER.

sale of seeds containing, prohibited, 2900.

DOG FIGHTS.

cruelty to animals, see Animals, § 12.

power of city to prevent, 3599 (44).

— city under commission form of government, 3818 (37).

DOGS.

See Animals, § 13.

DOLLAR.

judicial notice of, 7938.

DOMESTIC.

defined, 4834.

DOMESTIC ANIMALS.

See Animals.

DOMESTIC INSURANCE.

See Insurance.

DOMESTIC SHIP.

defined, 5440.

See generally Ships and Shipping.

DOMICIL.

presumption of continuance of, 7936.

INDEX.

(References are to sections.)

DOMINANT TENEMENT.

See Property, Real, § 3.

DONATION.

conveyance by reference on city and town plats which have been acknowledged and recorded; 3946.

DOOR.

provisions regulating, in public buildings, 2995-2997.
may be broken in making arrest, when, 10566-10568, 10575, 10579-10593.
officer-serving search warrant may break, when, 11136, 11137.

DOUBLE JEOPARDY.

See Jeopardy.

DOWER.

estate in, abolished, 4414, 5744.
property embraced in, passes by will, 5698.

DRAFT.

See Negotiable Instruments.

DRAINS.

§ 1. *In general.*

drains defined, 2461.
right to establish, 2461
location, 2464.
procedure for establishing, 2464.
showing required to establish, 2465.
notice of construction, 2471.
letting contracts for construction of drain, 2471, 2472.
duty of railroad company to make openings through road for the establishment of drains, 2481.
construction of bridges and culverts where drain crosses highway, 2482.
blind drain, how constructed, 2483.
record of proceedings for establishment of drains to be kept by county commissioners, 2484.
legal drains defined, 2484.
legal drains under control and charge of county commissioners, 2484.
establishment where first proceedings were irregular, 2485.
to be kept open and in repair by county commissioners, 2486.
rules and regulations, 2487.
ditches for drainage, proceedings to obtain, 2041.
penalty for injury to drains, 2491.

§ 2. *Right of way.*

to be conveyed to the county, 2466.
assessment of damages, how made, 2467.
assessment of benefits, review, 2468, 2469.
proceedings for assessment of benefits to be recorded by county auditor, 2470.
condemning right of way, 2480.

§ 3. *Power of city to establish, etc.*

to construct and keep in repair, 3599 (29).
to compel railway companies to construct and repair, 3599 (27).
to regulate the building and repairing of, 3599 (13).
construction and repair and regulations affecting drains in villages, 3861 (3).

§ 4. *Cost.*

collection of cost, 2474.
county treasurer to be custodian of drain fund, 2475.

INDEX.

(References are to sections.)

DRAINS — (continued).

- apportionment of cost for drains extending in two or more counties, 2479.
- cost of opening and repairing, how paid, 2486.
- § 5. *Taxes.*
 - collection of drain taxes, 2475.
 - additional assessment for right of way or for construction of drains, 2476.
 - tax or assessment not to be perpetually enjoined because of irregularity, in proceedings, 2485.
- § 6. *Bonds.*
 - issuance of drainage bonds, 2494.
 - levy of taxes for interest on drainage bonds, 2495.
 - sinking fund for payment of bonds, 2495.
- § 7. *Drain commissioners.*
 - appointment, terms of office, 2462.
 - qualifications, oaths, bond, 2463.
 - state and county officers not eligible to office of drain commissioner, 2492.
 - office of drain commissioner vacated upon accepting any state or county office, 2492.
 - organization of board, 2463.
 - legal advisor, 2463.
 - compensation, 2489, 2490.
 - powers,
 - in general enumerated, 2463.
 - to deepen and widen drains, 2478.
 - to grant extension of time for completion of contract for building drains, 2477.
 - joint powers of drain commissioners in two or more counties, 2479.
 - to administer oaths, 2498.
 - duties,
 - in general enumerated, 2473.
 - report to the county commissioner as to erection of drains and account for moneys coming into their hands, 2488, 2490.
 - keep record of all proceedings which shall be opened for public inspection, 2463.
 - compute course of locating and establishing drains for the purpose of making assessments, 2473.

DRAW BRIDGES.

- trains to stop before crossing, 4643.

DRAYMEN.

- power of cities to license, tax, and regulate, 3599 (31).
- taxes, licenses and regulations in cities under commission form of government, 3818 (24).

DRINKING CUPS.

- public drinking cups prohibited, 2952-2954.

DRUGGISTS.

- See Pharmacist.

DRUGS.

- adulterating and labeling drugs, 2939.
- drugs defined, 2940.
- what constitutes adulteration of, 2941.
- what drugs and medicines to be labeled, 2942.
- cocaine, how sold, 2943.
- sale of methyl alcohol for use of man prohibited, 2944.
- article not applicable to filling of physicians' prescriptions, 2945.
- penalty for violation of article, 2946.
- duty of state's attorney, 2947.
- duty of state experiment station to inspect and analyze drugs and medicines, 2948.

INDEX.

(References are to sections.)

DRUGS — (continued).

- experiment station to transmit facts of adulterated drugs to attorney-general and state's attorney, 2949.
- certificate of experiment station to be presumptive evidence of facts stated, 2950.
- experiment station to make annual report, 2951.
- persons under the influence of, not to be married, 4376.
- distribution of samples, prohibited, 10260.
- use of, for fishing prohibited, 10310.
- introduction of, into state institution, 10174.

DRUNKARD.

- See Habitual Drunkard.

DRUNKENNESS.

- as disqualifying a person to act as executor, administrator or guardian, 8632.
- as disqualifying one to act as executor or administrator with the will annexed, 8651 (3).
- drunkenness as disqualifying one to receive letters of administration, 8657.

DUEL.

- defined, 9534.
- punishment for fighting, 9535.
- incapacity to hold office, 9536.
- liability of seconds, aids and surgeons, 9537.
- challenges; punishment, 9538.
- challenge, defined, 9539.
- attempts to induce challenge, 9540.
- posting, for not fighting, 9541.
- leaving state to evade laws, 9542.
- where may be tried, 9543.
- no privilege against testifying, 9544.
- liability of participants for killing in, 9482, 9485.
- occurring without the state, death occurring within, 10502.

DURESS.

- defined, 5846.
- as ground of rescission of contract, 5934.
- exonerates from punishment, when, 9211.
- extent of, to exonerate from punishment, 9212.
- coverture not deemed, when, 9214.
- duress as a ground for contesting will after probate, 8649.

DWELLING HOUSE.

- defined, 9880.

DYNAMITE.

- judicial notice of the explosive character of, 7938.
- manufacturing, using or selling explosives containing, misdemeanor, 9746.
- use of, for fishing prohibited, 10310.

EARNINGS.

- of child, who entitled to, 4424.
- of child, relinquishment by parent, 4436.
- of wife, not liable for debts of husband, 4414.

EASEMENT.

- See Real Property, § 3.

INDEX.

(References are to sections.)

EATING HOUSE.

intentional destruction or damage of property by guest, misdemeanor, 10256.
jumping board bill, misdemeanor, 10255, 10256.

EAVESDROPPING.

misdemeanor, 9789.

EDUCATION.

as to common schools, see Schools and School Districts.
as to agricultural schools, see Agricultural College and Schools.
See also, Normal Schools; University of North Dakota; Academy of Science; Forestry,
School of.

compulsory attendance of schools, 1342-1345.

§ 1. *State educational institutions in general.*

See Board of Control; State Institutions.

annual tax for support of, 1743.

apportionment of taxes, 1418.

apportionment of funds raised by taxation, 1745.

moneys raised by taxation to be paid monthly, 1419.

certain funds to be paid to institutions quarterly, 1420.

authorized to lease portions of the campus for the purpose of erecting and maintaining
student's club houses or dormitories, 1733.

§ 2. *State board of education.*

duties of state board of examiners transferred to, 1427.

creation of, 1423.

how constituted, 1423.

membership of, 1423.

appointment of, 1424.

terms of office of, 1424.

compensation of, 1425, 1436.

meeting of, 1426.

— annual meeting, 1437.

powers and duties,

in general, 1427.

as to visitation and inspection, 1428.

to establish rules relative to qualifications of teachers, etc., 1437.

as to supervision of secondary education, 1430.

as to appointment of high school inspector, 1433.

to publish annual report of high school inspectors, 1438.

to appointment of deputy superintendent of public instruction, 1429.

examiner for, may appoint assistant examiner, 1437.

legislation affecting education or adjusting school laws to be submitted to the board
prior to the convening of the legislative assembly, 1742.

§ 3. *Educational corporations.*

how formed, 5005.

annual report, 5006.

may acquire and sell property, 5007.

provisions of by-laws, 5009.

subsequent members, rights of, 5010.

membership rights personal, 5011.

powers

in general, 5014.

to confer degrees, 5015.

to carry on mechanical and agricultural education, 5016.

donations for particular purposes, how disposed of, 5013.

EDUCATIONAL ASSOCIATION OF NORTH DAKOTA.

superintendent of public instruction to publish proceedings of, for distribution, 1119.

INDEX.

(References are to sections.)

EDUCATIONAL CORPORATIONS.

See Education, § 3.

EJECTMENT.

measure of damages for forcibly ejecting or excluding persons from the possession of real property, 7175.

ELECTIONEERING.

on election day prohibited, 939.

prohibited when, 1042.

ELECTIONS.

as to primary elections, see Elections, Primary.

in cities under commission form of government, see Commission Form of Government for Cities, §§ 13, 14, 15, 16.

at township meetings, see Townships, § 6.

§ 1. *In general.*

defined, 9287.

time for holding general election, 946.

officers to be elected at general election, 946.

judicial notice as to day upon which general elections are held, 7938.

what elections within general provisions of law, 945.

penalty for violation of act, 944.

notice,

how given, 981.

to be published, 982.

form of notice, 982.

when notice of election to be posted, 982.

of annual school district election, 1155.

error in publication of names, how corrected, 980.

of officers of legislative assembly, 41.

proclamation of result by governor, 1028.

neglect of county auditor to make abstract, misdemeanor, 9439.

civil process cannot be served on election day, 1044.

publicity pamphlet, 924-927.

fees of sheriff for distributing ballot boxes, 3514.

initiative in cities under commission form of government, 3836, 3838.

referendum in cities under commission form of government, 3837, 3838.

recall in cities under commission form of government, 3835, 3838.

§ 2. *Election districts and precincts.*

precincts,

formed how, 950.

number of voters in, 950.

in cities, 3667.

in special school districts, 1267.

election districts in cities, 3667.

townships organized under chapter 50 declared election district, 4271.

§ 3. *Electors.*

who are, 948, 949.

qualifications of, 948, 949.

at city election, 3668.

at school elections, 1153.

Indians not allowed to vote, 4349.

right of women to vote at school elections, 1153.

unregistered, required to take oath, 1096.

rights and duties of, 20.

right to hold office, 19.

bribery of, 9250-9251.

offer of office to, misdemeanor, 9253, 9254.

INDEX.

(References are to sections.)

ELECTIONS — (continued).

§ 4. Registration of voters.

- not required at primary elections, 871.
- how made, 1091.
- when to be completed, 1091.
- how posted, 1091.
- penalty for defacing registry list, 1091.
- registry list, what to contain, 1091.
- registry list in new precinct, 1092.
- registry list to be revised, 1095.
- votes cast by unregistered persons, 1096.
- duty of clerks of election, 1097.
- register must be filed, 1098.
- registers to remain public record, 1099.
- penalty for registering in more than one district, 1102.
- county auditor to provide blank registers and blank, 1103.
- what cities governed by this article, 1104.
- registration of voters in city, 3668.
- party registration, when required, 917.
- mode of registration, 917.
- registration and enrollment books, how furnished, 918.
- what names to be enrolled, 919.
- unregistered elector may vote, when, 1096.
- illegal, punishment for, 9265-9268.
- poll list, clerk to keep, 955.
- registration board,
 - how constituted, 1090.
 - meeting of board, 1090, 1093.
 - duties of board, 1090.
 - proceedings to be public, 1094.
 - compensation, 1100.
 - power to preserve order, 1101.
 - registry list to be revised, how, 1095.

§ 5. Caucus where primary law not applicable.

- when and how to be held, 899.
- canvass of ballots cast, 899.
- certificate of election at, 899.
- duty of clerk as to record of, 900.
- participation in more than one prohibited, 901.
- voting at, when unlawful, 9293.

§ 6. Nominations.

- as to primary elections, see Elections, Primary.
- how made in municipalities, 903.
- state nominations, how certified, 970-971.
- certificate of nomination,
 - requisites of, 970.
 - to contain but one name, 972.
 - where filed, 971.
 - when to be filed, 973.
- secretary of state to certify names of candidates to county auditor, 974.
- nomination of candidates to be published, 975.
- void after notice of declination filed, 976.
- vacancy on tickets, how filled, 977, 978.

§ 7. Election officers.

- at primary elections, see Elections, Primary, § 4.
- at city elections, see *infra* § 18.
- at village elections, see *infra*, § 19.
- at township elections, see *infra*, § 20.

INDEX.

(References are to sections.)

ELECTIONS — (continued).

- at school elections, see *infra*, § 17.
- oath of election officers, 954.
- disobedience of election officers, how punished, 9274–9277.
- misconduct of, misdemeanor, 9282, 9283.
- penalties, failure to perform duty, 1041.
- bribery by, how punished, 9250.
- bribery of, 9284.
- judge of election,
 - qualification of, 951.
 - duties,
 - in general, 951.
 - in respect to registration of voters, 1090–1103.
 - in respect to party registration, 919.
 - to challenge, 956.
 - penalty for depositing unstamped ballot, 1039.
 - for rejecting legal vote, 1040.
- inspector,
 - qualifications of, 951.
 - appointment of, in unorganized townships, 952.
 - duties,
 - in general, 951.
 - as to registration of voters, 1090–1102.
 - as to party registration, 919.
 - to examine ballots and box at opening of polls, 984.
 - to challenge, 956.
 - to give official ballot to elector, 985.
 - in respect to absent voter ballot, 1000–1004.
 - to announce result of canvass, 1007.
 - to make returns on canvass, 1008.
 - penalty for depositing unstamped ballot, 1039.
 - for rejecting legal vote, 1040.
- clerks of election,
 - duties of, in respect to registry list, 1097.
 - appointment of poll clerks, 953.
 - duty to keep poll list, 955.
- § 8. *Election supplies.*
 - duty of county auditor to furnish supplies, 965.
 - to have instructions printed, 966.
 - to provide ballots, 958.
 - as to preparation of poll books and blanks, 964.
 - registration blanks, 918, 1103.
 - poll books, contents, delivery of, 967.
 - ballot boxes to be provided at county expense, 968.
 - separate ballot boxes to be provided for women, 968.
 - fees of sheriff for distributing ballot boxes, 3514.
- § 9. *Ballots.*
 - at primary elections, see Elections, Primary, § 3.
 - to be printed and distributed at public expense, 957.
 - how prepared, 959.
 - preparation of ballot by county auditor, 964.
 - number of ballots to be prepared, 964.
 - delivery of, to inspectors of election by auditor, 965.
 - name of candidate to be in one column only, 962.
 - arrangement of names on ballot, 963.
 - blank forms to be furnished by secretary of state, 969, 878.
 - separate ballots.
 - for judges, 906.

INDEX.

(References are to sections.)

ELECTIONS — (continued).

separate ballots—(continued).

for superintendent of public instruction, 909.

for county superintendent of schools, 908.

stickers to be affixed by election officers in case of vacancy, 968.

name written or pasted on ballot, by voter, 958.

at elections in special school districts, 1265.

form of ballot in election to establish independent school district, 1288.

§ 10. Conduct of elections.

when polls are to be opened and closed, 983.

when hours for opening and closing polls may be changed, 983.

method of opening and closing polls, 983.

examination of ballots and boxes at opening of polls, 984.

only one person to be admitted to voting booth at one time, 986.

election booth, how long to be kept, 986.

official ballot, how given to elector, 985.

ballots to be stamped when given to elector, 985.

procedure where elector spoils ballot, 987.

assistants to elector under disability, 988.

duty of inspectors of election to provide election booths, 990.

secret ballot to be provided, 1042.

showing marked ballot prohibited, 1042.

election judges to deposit ballot in box, 989.

ballots of women to be deposited in separate box, 991.

duty of election inspectors to provide guard rail, 990.

number of electors permitted within rail limited, 990.

challenges, form of, 990.

penalty for false swearing at, 990.

penalty for false swearing upon challenge of right to vote, 990.

no liquors to be sold in room where election is held, 990.

electioneering prohibited, 1042.

voting by absent elector,

when absent elector may vote, 992.

application for ballot, made when, 993.

absent voter ballot, how printed, 994.

absent voter ballot, form of application for, 995.

application blank, how obtained, 996.

absent voter ballot, how sent out, 997.

affidavit of absent voter, 997.

absent voter unable to write may make mark, 997.

manner of marking absent voter ballot, 998.

care of absent voter ballot by county auditor, 999.

transmission of absent voter ballot to election inspectors, 1000.

manner of voting absent voter ballot, 1001.

void or rejected ballot, 1002.

elector may vote before leaving county, 1002.

absent voter ballot to be furnished by auditor, when, 1003.

penalty for violation of statute relative to absent voters, 1004.

violation of election laws, 1043.

§ 11. Canvass of votes.

canvass of votes by election inspectors, 1005.

method of counting vote, 1005.

highest number of votes elect, 947.

ballots, when void, 1006.

result of canvass to be immediately announced, 1007.

returns, where and how made, 1008.

abstract of votes to be made, 1009.

INDEX.

(References are to sections.)

ELECTIONS — (*continued*).

- certificates of election to be issued, 1009.
- tie vote, how decided, 1009, 1010.
- publication of returns, when to be made, 1009.
- duty of county auditor to forward abstract of votes, 1013.
- to be filed and preserved by secretary of state, 1014.
- secretary of state to indorse time of receipt of, 1032.
- of school elections, 1157.
- of city election, 3670.
- tie vote, how decided,
 - at school elections, 1157.
 - in special school district, 1263.
 - in independent school district, 1291.
 - at village elections, 3855.
 - at city elections, 3671.
- of presidential electors, 1022.
- of special election to fill vacancy, 1036.
- informal and defective returns, how canvassed, 1029, 1031.
- penalty for failure to make, 1008.
- compensation of messenger when appointed, 1014.
- § 12. *Canvassing boards.*
 - of primary elections, see Elections, Primary, § 5.
 - state canvassing board,
 - how constituted, 1011.
 - secretary of state ex officio member, 122.
 - state treasurer ex officio member, 143.
 - state auditor ex officio member, 132.
 - quorum, 1011.
 - when member disqualified, 1012.
 - meeting of, 1015.
 - adjournments of, 1017.
 - canvass of votes to be public, 1018.
 - certificate of result, 1019-1021.
 - majority to decide statement of returns, 1018.
 - what returns to be canvassed, 1027.
 - duties,
 - in general, 1016.
 - as to election of national delegates, 912.
 - to issue certificate of result, 1019.
- county canvassing board,
 - how constituted, 1009.
 - meetings, 1009.
 - canvass of votes, 1009.
 - certificate of election, 1009.
 - majority of members to decide all questions, 1030.
 - tie vote, how decided, 1009, 1010.
 - publication of returns, 1009.
 - duties,
 - in general, 1009, 1030.
 - in case of defective returns, 1031.
- § 13. *Certificate of election.*
 - secretary of state to issue, 1020.
 - to be issued, when, 1009.
 - form of, 1023.
 - of presidential electors, 1022.
 - of members of legislative assembly, prima facie evidence, 27.
 - at school election, 1158.
 - in special school district, 1260.

INDEX.

(References are to sections.)

ELECTIONS — (continued).

§ 14. Contest.

- of primary election, see Elections, Primary, § 6.
- when to be commenced, 943.
- notice of contest, how served, 1046.
- answer to notice of contest, when to be served, 1047.
- contest may be brought by whom, 1048.
- trial of contest, 1049.
- testimony and procedure in contest, 1050.
- contest for elections for removal of county seat, 1051.
- contest may be tried by referee, 1052.
- security for costs must be furnished, 1053.
- appeals in contest cases, 1054, 1055
- construction of this article, 1056.
- provisions of code of civil procedure applicable, when, 1057, 1058.
- of legislative elections,
 - notice of contest, 1070.
 - answer to notice, 1071.
 - testimony taken, when, 1072.
 - notice to take depositions, manner of, 1073.
 - testimony to be taken at but two places at a time, 1074.
 - subpoena to compel attendance of witnesses, 1075.
 - deposition to be taken without notice on stipulations, 1076.
 - manner of service of subpoena, 1077.
 - attendance of witness compelled only in county, 1078.
 - penalty for failure to attend and testify, 1079.
 - deposition of non-resident witnesses, 1080.
 - examination of witnesses, 1081.
 - testimony to be confined to issue, 1082.
 - testimony to be reduced to writing, 1083.
 - protection of papers may be required, 1084.
 - adjournments, 1085.
 - papers to be attached to deposition, 1086.
 - testimony to be forwarded to secretary of state, 1087.
 - fees of officers and witnesses, 1088.
 - legislature not to pay expenses of contest, 1089.
- of presidential electors,
 - court for trial of, 1059.
 - contestant may apply to court, 1060.
 - application of state grounds of contest, 1061.
 - notice to party contested, how given, 1062.
 - appearance by parties to contest, 1063.
 - hearing, how conducted, 1064.
 - determination of board, how certified, 1065.
 - effect of failure of partitioner to appeal, 1066.
 - taxation of costs of contest, 1067.
 - final hearing, how determined, 1068.
 - mileage and compensation of members of board, 1069.
 - bond for costs, 1061.

§ 15. Special elections.

- for school matters, see *infra*, § 17.
- in cities, see *infra*, § 18.
- in villages, see *infra*, § 19.
- in townships, see *infra*, § 20.
- for issuance of bonds, see Bonds, State, County and Municipal.
- to fill vacancies, 1033, 1034.
 - in legislative assembly, conduct of, 1035.
 - returns how canvassed, 1036.

INDEX.

(References are to sections.)

ELECTIONS — (continued).

constitutional amendments,

how voted upon, 959.

constitutional amendment to be advertised, 979.

manner of printing constitutional amendments, 960.

manner of advertising constitutional amendments to be voted upon, 961.
certificate as to, 1025.

record of result of election, 1026.

advertisement of questions submitted to vote, 979.

for change of county lines, form of ballot, 3201.

for division of county, form of ballot, 3205.

for removal of county seat, notice, ballots, 3234, 3235, 3236.

for extraordinary expenditures of county funds, 3280-3286.

for continuance of county tax for aid of county fair, 1874.

for increasing the jurisdiction of the county court, 8926, 8927.

to establish a county work house, 11319.

for establishing irrigation in townships, 4262.

§ 16. Non-partisan elections.

how conducted in municipality, 902, 903.

for judiciary, 904, 905.

for state superintendent of public instruction, 907, 908.

for county superintendent of schools, 907, 908.

§ 17. School elections.

non-partisan election,

of state superintendent of public instruction, 907, 909.

of county superintendent of schools, 907, 909.

notice of annual election, 1155.

hours for holding, 1154.

qualifications of voters, 1153.

right of woman to vote at, 1153.

election officers, 1156.

in new districts to be appointed by county superintendent, 1152.

oath of judge of election, 1156.

conduct and canvass of votes, 1157.

tie vote, how decided, 1157.

certificate of election, 1158.

of officers in new school districts, 1151.

for consolidation of school districts, 1190.

to determine school sites, 1184, 1185.

for changing school site, 1184.

to pass upon question of purchase, sale or exchange of school house, 1184.

to establish district high school, 1192.

for conveying pupils to and from school at the expense of the school district, 1190.

to establish county agricultural and training school, 1455.

certain elections legalized, 1471.

in city not organized under the general law, 1315-1317.

in independent school district,

time of holding elections, 1291.

to establish independent school districts, 1286.

notice of election, 1287.

form of ballot, 1288.

returns, 1288.

of members of school board, 1290, 1293.

canvass of votes, 1291.

in special school districts, 1231.

to establish special school districts, 1236.

election precincts and officers of election, 1267.

INDEX.

(References are to sections.)

ELECTIONS—(continued).

in special school districts — (continued).

- notice of election of officers, form of notice, 1263, 1264.
- candidates, official ballot, 1265.
- of first board of education, 1244.
- boards of education in, 1262, 1263.
- to become part of common school district, 1261.
- for issuing bonds in special school district, 1274.
- canvass of return, 1268.
- certificates of election, 1269.

§ 18. City elections.

- in cities under commission form of government, see **Commission Form of Government**
- for Cities, §§ 13, 14, 15, 16.
- as to qualification of voters, see *supra*, § 3.
- for the incorporation of cities, 3552-3554.
- power of city council to call special election, notice, 3673.
- power of city council to order a new election, 3673.
- manner of holding election in new wards, 3984.
- election districts and precincts, 3667.
- time and place of holding, 3666.
- in presidential years, when, 915.
- to be governed by general election laws of the state, 3370.
- manner of holding election in new wards, 3984.
- registration of voters, 3668.
- election boards, how selected, 951.
- judges of,
 - oaths, 3670.
 - duties, in general enumerated, 3670.
- canvass of returns by city council, 3670.
- tie vote how decided, 3671.
- primary elections in, 891, 892.
 - notice of, 883.
 - petition of nominee, 894.
 - preparation of ballots, 895.
 - publication of result of election, 897.
 - usage and customs not impaired, 898.
- city canvassing board, duties of, 896.

§ 19. Village elections.

- for incorporation of villages, 3844-3848.
- in territory embracing more than one county, 3934-3936.
- annual election,
 - when held, 3851.
- manner of election in new wards, 3984.
- notice of election for electing officers after incorporation, 3850.
- how long polls shall remain open, 3852.
- election boards how chosen, 951.
- inspectors, powers and duties, in general, enumerated, 3853.
- tie vote, how decided, 3855.

§ 20. Township elections.

- at township meetings, see **Townships**, § 6.
- for dissolution of a township, 4277, 4278.
- election boards in townships how chosen, 951.
- inspectors of election, how chosen in towns, 951.
- to establish system of irrigation, 4262.

§ 21. Corrupt practices.

- candidates' expenses,
 - primary campaign expenses limited, 923.

INDEX.

(References are to sections.)

ELECTIONS—(continued).

candidates' expenses — (continued).

 general election campaign expenses limited, 928.

 itemized statements to be filed, 929.

campaign contributions,

 by corporations prohibited, 933, 9295-9299.

 actual name of contributor to be given, 930.

pre-election promises of appointments prohibited, 931.

charitable contributions by candidates or solicitation thereof prohibited, 932.

treating by candidates prohibited, 934.

payment for attendants at polls prohibited, 936.

transportation to polls prohibited, 936.

political advertising to be labeled, 937.

rates for political announcements, 938.

electioneering on election day prohibited, 939.

candidacy to be bona fide, 941.

penalty for, in general, 935, 944.

 for failure of candidate to file statement, 940.

 forfeiture of office or nomination, 942.

 for unlawful campaign contributions, 9295, 9298.

§ 22. Crimes against elective franchise.

giving and receiving bribe; penalty, 9250.

 — disenfranchisement, 9282.

illegal influence on electors, prohibited, 9251.

betting on election, how punished, 9252.

offers of office, how punished, 9253.

 — communicating same, 9254.

contributing money for elections, how punished, exception, 9255.

defrauding elector of his vote, 9256.

obstructing elector, 9257.

double voting, how punished, 9258.

voting or attempting to vote by person not qualified, how punished, 9259.

procuring unqualified vote, how punished, 9260.

advising unqualified voting prohibited, 9261.

voting in wrong precinct or district, 9262.

voting unlawfully at town meetings, prohibited, 9263.

voting by convicted felon, prohibited when, 9264.

registration,

 unauthorized registration, how punished, 9265.

 personating registered voter, how punished, 9266.

 false statement preventing registration, prohibited, 9267.

 — constructive false statement, 9268.

public political meetings,

 disturbance of, misdemeanor, 9269.

 preventing public meetings of electors, misdemeanor, 9270.

 preventing attendance at public meetings, misdemeanor, 9271.

intimidation,

 intimidation and bulldozing electors, how punished, 9272.

 violence, threats, etc., of electors, how punished, 9273.

disobedience of election officers, 9274.

violence disturbing election, 9275.

disobedience of election officers, summary arrest thereof, 9276.

such arrest no defense to prosecution, 9277.

destroying ballots or boxes, felony, 9278.

forging or destroying certificate of nominations, felony, 9279.

destroying supplies, etc., misdemeanor, felony, punishment, 9280.

making of false poll list, misdemeanor, 9281.

INDEX.

(References are to sections.)

ELECTIONS — (continued).

misconduct of judges, misdemeanor, 9282.
false canvassing or certifying, misdemeanor, 9283.
witnesses, exemption of, 9286, 9296.
irregularities in conduct of election no defense to violation of election law, 9288.
election, defined, 9287.
bribery of election officers, how punished, 9284.
election law not applicable where election is lawfully interfered with, 9289.
election law applicable to elections for determining questions submitted, 9290.
good faith of defendant, jury to pass upon, 9291.
selling liquor on election day, how punished, 9292.
unlawful voting at caucuses, penalty, 9293.
proxies at political conventions, who may use, 9294.
mutilating election returns, how punished, 10075.

ELECTIONS, PRIMARY.

§ 1. *In general.*

as to election of national delegates, see *infra*, § 7.
registration of voters at, not required, 871.
when to be held, 852.
publication of notice of primary election, 921.
posting of notices of, 922.
officers to be nominated at primary elections, 852.
list of officers to be nominated at, to be furnished, 866.
eligibility of candidates at, 858.
campaign expenses limited, 923.
publicity pamphlet, 924.
 privileges of candidates, 924.
 amount paid for space by candidates, 925.
 printing statements of candidates, 926.
 address to voters, 927.
fees by legislative candidate, to whom paid, 885.
time for keeping polls open, 869.
party ballot to be voted, 860.
tally books, arrangement of names in, 868.
provisions of election law applicable, 867.
application of present election statutes, when, 882.
invalidity of part, 886.
intent of article, 851.
to be liberally construed, 851.
violations of, applicability of penal code, 887.

§ 2. *Petition for placing name on ballot.*

petition for placing name on ballot, 853, 855, 856.
 of candidate for national delegate, 913.
 of candidate for office of judge, 904.
 of candidate for superintendent of schools, 907.
 when to be filed, 853, 854.
 signatures attached to, 853, 854.
 number of names required upon, 853, 854.
 contents of, 853, 854, 856.
 fees for filing, 853, 854.
 form of petition, 853, 855, 856.

§ 3. *Ballots.*

form of ballot, 859.
names on primary ballot, how secured, 855.
how prepared, 864, 895.
preparation and distribution of ballots for election of national delegates, 914.

INDEX.

(References are to sections.)

ELECTIONS, PRIMARY — (continued).

- separate ballot,
 - for judicial nominations, 905.
 - for nomination of state superintendent of public instruction, 908.
 - for nomination of county superintendent of schools, 908.
- arrangement of names on, 865.
- care of, after printing, 865.
- vacancy in, how filled, 855, 879.
- vacancies to be filled by party committees, when, 861.
- errors in, how corrected, 880.
- nomination by stickers, 857.
- § 4. *Election officers.*
 - judge of election,
 - duties,
 - at primary elections, 859.
 - in respect to party registration, 919.
 - to canvass votes at primary election, 869, 870.
 - as to returns, 870.
 - inspectors of election,
 - duties,
 - at primary elections, 859.
 - in respect to party registration, 919.
 - to canvass votes at primary election, 869.
 - clerks, duties of, 870.
- § 5. *Canvass and canvassing boards.*
 - how made, 869.
 - returns of, 870.
 - nominations, percentage of votes required for, 862.
 - tie vote, how decided, 883.
 - certified list of nominees to be furnished to county auditor, 920.
 - city canvassing board,
 - how composed, 896.
 - publication of result of election, 897.
 - state board of canvassers,
 - membership of, 876.
 - oath of office of, 876.
 - quorum of, 876.
 - duties,
 - in general, 876.
 - in election of national delegates, 912.
 - statement of canvass by, 877.
 - county canvassing board,
 - how constituted, 872.
 - meeting, 872.
 - duties,
 - in general, 872.
 - in election of national delegates, 911
 - oath of office of, 872.
 - quorum, 872.
 - statement of canvassing board, 873.
 - abstract of votes to be transmitted to secretary of state, 874.
 - duty of county auditor where two or more counties form one legislative district, 875.
- § 6. *Contests.*
 - how contested, 881.
 - appeal, 881.
- § 7. *Election of national delegates.*
 - how conducted, 910.

INDEX.

(References are to sections.)

ELECTIONS, PRIMARY — (continued).

duties of county canvassing board, 911.
duty of state canvassing board, 912.
candidates to file petition, 913.
preparation and distribution of ballots, 914.
notices of election, 914.
elections of delegates, how conducted, 915.
expenses of delegates, 916.
oath of delegates, 916.

§ 8. Political committees.

political committees continued, 888.
state committee,
 how selected, 890.
 time and place of meeting, 890.
state central committee,
 chairman of, as member of state board of canvassers, 876.
county committee,
 how composed, 890.
 time and place of meeting, 890.
 chairman of, as member of county canvassing board, 872.
precinct committeemen,
 how elected, 889.

ELECTIVE FRANCHISE.

crimes against, see Elections, § 22.

ELECTORS.

See Elections, § .

ELECTRICITY.

power of the city to regulate the erecting of electric lights, 3599 (13).
power of cities to regulate rates and charges, 3607-3609.
power of city under commission form of government to provide for the furnishing of
 lights to the inhabitants of the city, 3818 (5) (7) (11).
malicious injury of electric line, 10043.
fraudulent use of electric current, misdemeanor, 9941.

ELECTRIC RAILWAY.

See Street Railroads.

ELEVATOR, GRAIN.

See Warehouses.

ELEVATORS.

elevator shafts in hotels to be protected, 2983.

ELEVATORS, TERMINAL.

taxation for procurement and management of, 2072.
duties of board of control in respect to, 2073.

EMBALMERS, STATE BOARD OF.

appointment, 540.
members, who may be, 540.
term of office, 540.
vacancies filled, how, 540.
oath of office; where filed, 541.
officers, chosen how, 541.
regulations, what may be adopted, 541.
expenses, paid how, 541.

INDEX.

(References are to sections.)

· EMBALMERS, STATE BOARD OF — (continued).

- compensation from fees only, 541.
- secretary, salary of, 541.
- treasurer, fees paid to, 547.
- bond of, 547.
- meetings,
 - when and where held, 542.
 - notice of, 542.
 - quorum, 542.
- examination of candidates, how conducted, 543.
- disinfection of dead bodies, may adopt rules for, 542,
- relation to state board of health, 543.
- seal, 545.
- certificate of secretary as competent evidence, 545,
- report to governor, made when, 548.
- violation of embalming law, penalty for, 546.
- licenses,
 - licenses issued when, 544.
 - examination papers to be kept, 544.
 - signed by whom, 545.
 - fee for licenses, 544.
 - renewals of licenses, 544.
 - fees for renewals of licenses, 544.
- licenses non-assignable, 545.
- licenses must be displayed, 545.

EMBEZZLEMENT.

- disposal of property embezzled, see **Stolen Property**.
- defined, 9929.
- fraudulent appropriation of public funds, 9930.
- fraudulent appropriation by officer of corporation, 9931.
- when carrier guilty of, 9932.
- fraudulent appropriation by trustee, 9933.
- fraudulent conversion by bailee, 9934.
- fraudulent appropriation by clerk or servant, 9935.
- distinct taking not necessary to constitute crime, 9936.
- evidence of debts as subject of embezzlement, 9937.
- defense,
 - claim of title, 9938.
 - intent to restore not a defense, 9939.
- mitigation of punishment, 9940.
- punishment, 9941.
- liability for embezzlement of property of decedents, 8800.
- of property of insolvent debtor, 8387, 8388.
- when officers of trust companies guilty of, 5217.
- by seamen to be made good, 6177.
- liability to civil action for embezzlement of moneys, goods and chattels of a decedent, 8709.
- jurisdiction of, 10509.
- by public officers, how punished, 9827.
- sufficiency of information or indictment for, 10701.

EMERGENCY COMMISSION.

- members, 1821, 1824.

EMERGENCY FUND.

- for state institutions, provisions for, 1821, 1824.

INDEX.

(References are to sections.)

EMIGRANTS.

minor may bind himself, 4434.

EMINENT DOMAIN.

power of cities to exercise, see Cities, § 20.

procedure in condemnation proceedings instituted by city, see Cities, § 20.

power of towns to exercise, see Towns, § 8.

power of villages to exercise, see Villages, § 16.

§ 1. *In general.*

defined, 8201.

how exercised, 8202.

for what to be used, 8203.

what estates may be taken, 8204.

what property may be taken, 8205.

what must appear before property taken, 8206.

entry for making surveys, etc., 8207.

consent of state to condemnation by United States, 3.

state's right of, to acquire property, 11.

§ 2. *For public improvement.*

special proceeding for condemnation of land for public improvement, 3737.

power of school board to acquire land for school site, 1187.

for irrigation, 8237.

for irrigation purposes in township, 4263.

of right of way for highway, when, 1922.

condemning right of way for drains, 2430.

ditches for draining highways, 2041.

§ 3. *By public service corporations.*

railroads may exercise power of, 4613.

to be exercised by urban electric railways, 4812.

right of way for state trolley line, 1804.

§ 4. *Railroad right of way over lands of decedent or ward.*

how secured, 8232.

filing of petition, 8233.

duties of county court, 8234.

§ 5. *Civil actions for.*

authorized, 8208.

form of summons, 8209.

when served, 8209.

service by publication, 8210.

service by mail, 8211.

service compelled, when, 8212.

note of issue to be filed, when, 8213.

jury trial, when, 8214.

fees, issue of venire, 8215.

notice to defendant, 8216.

special term of court, 8217.

can try at adjourned term, 8218.

method of procedure unchanged, 8219.

what complaint must contain, 8220.

who may defend, 8221.

power of court, 8222.

assessment of damages, 8223.

when right of damages accrue, 8224.

when title defective, 8225.

when judgment paid, 8226.

payment or deposit, 8227.

final order, filing, 8228.

when possession taken, 8229.

INDEX.

(References are to sections.)

EMINENT DOMAIN — (continued).

- how money paid, 8229.
- acceptance as abandonment of defense, 8229.
- rules of practice, 8230.
- new trials and appeals, 8231.

EMPLOYER AND EMPLOYEE.

See Master and Servant.

EMPLOYER'S LIABILITY.

See Master and Servant, § 7.

EMPLOYMENT.

- defined, 6105.
 - right to specific performance of contract of, 7197.
 - hindering citizen from obtaining, as conspiracy, 9445.
 - of inmates of the penitentiary, 11261-11270.
 - service without employment,
 - official person not entitled to compensation, 6183.
 - exception as to salvage, 6184.
- See also Master and Servant.

EMPLOYMENT AGENCY.

- power of the city to license, tax, regulate and prohibit, 3599 (30).
- cities under commission form of government, 3318 (23).

ENCUMBRANCER.

- defined, 5531.
- when filing of chattel mortgage notice to, 6759.

ENFORCEMENT COMMISSIONERS.

See Temperance Commissioners.

ENGINEER.

- appointment of, by county superintendent of highways, 1990f.
- intoxication of, misdemeanor, 9780.
- neglect of duty, misdemeanor, 9782.
- negligence in management of boiler, misdemeanor, 9709.
- negligence of, causing death, 9495.

ENGLISH SPARROW.

- no closed season for, 10304.

ENTICEMENT.

- of wife or servant prohibited, 4355.
- of child or female, jurisdiction of, 10508.

EPIDEMIC.

- among animals, emergency fund in case of, 2695.

EPILEPTIC.

- marriage of, prohibited, 4373.

ERGOT.

- as noxious weed, 2900.

ESCAPE.

- rearrest and imprisonment of persons escaping from custody, 9350, 10591, 10592.
- escaping from custody, punishment, 9351.

INDEX.

(References are to sections.)

ESCAPE — (continued).

attempts to escape from penitentiary, 9352.
attempts to escape from other prisons, 9353.
assisting person in prison to escape, 9354.
aiding escape, punishment, 9355.
assisting escape from officer, 9356.
officer permitting escape, offense, 9357, 9390.
punishment for permitting escape, 9358.
concealing escaped prisoner, 9359.
prison, defined, 9360.
prisoner, defined, 9361.
prosecution of escaped prisoner, 9362.
— expenses, how paid, 9362.
of prisoner from penitentiary, 11227, 11228.
— punishment, 11341.
of inmate of reform school, 11289.
from jail, how punished, 11342, 11343.
attempting to, during insurrection, punishment, 9397
liability of sheriff for escapes, 3396, 3397.
from officer, what deemed not, 10553.
proceedings for return of patient who has escaped from state hospital for the insane, 1765.
power of governor to offer reward for escaped convict, 111.
limitation of action for escape, 7378.

ESCHEATS.

property reverts to state for want of owner, 9.
property reverts to state if no heirs, 9.
of property to state, when, generally, 5760.
realty of certain corporations, when, 4504.

ESCROW.

definition, 5498.
delivery of grant in, 5498.

ESTATE IN FEE.

See Property, Real, § 2.

ESTATES.

See Property, Real, § 2.

ESTATES OF DECEASED PERSONS.

as to inheritance, see Succession.
debts and claims against, see Executors and Administrators, § 6.
suits by and against, see Executors and Administrators, § 8.
sale of property, see Executors and Administrators, § 7.
inventory and appraisement, see Executors and Administrators, § 5.
§ 1. *In general.*
summary administration where the estate is of small value, 8729.
who may maintain action for the possession of real estate, 8797.
to quiet title to real estate, 8797.
special proceedings for the establishing the right of heirship to real property of deceased person, 8675-8681.
funeral expenses as a preferred claim, 8725, 8728, 8755.
when the statute of limitations begins to run against claim against decedent, 8658.
copy of lost papers to be substituted, when, 7968.
railroad right of way over, 8232-8237.
§ 2. *Asscts.*
as to the collection and care of, see Executors and Administrators, § 4.

INDEX.

(References are to sections.)

ESTATES OF DECEASED PERSONS — (continued).

- duty of holders of assets to notify tax officers before transferring same to legal representatives, 8987.
- liability for having or obtaining property of a decedent without authority from the executor or administrator, 8708.
- liability of persons who have embezzled or concealed property of a decedent, 8709.
- powers and duties of surviving partner as to care and disposition of partnership property, 8711.
- stock in building and loan associations, 5122.
- § 3. *Property liable for payment of debts.*
 - in general, 5721, 5722, 8730.
 - life insurance, 8719.
 - for funeral expenses, 8725.
 - for charges for last illness, 8725.
 - priority between personal and real property, 8730.
 - property given by will, order of payment, 8733, 5723, 5724.
 - application of property conveyed in fraud of creditors, 8813.
- § 4. *Family allowances.*
 - personal property exempt from execution, 8725-8727.
 - homestead rights, 8723, 8724.
 - procedure upon objections to the inventory and appraisalment of the homestead or other exempt property of the decedent, 8726.
- § 5. *Homestead.*
 - ascertaining and setting off homestead after death of owner, 5629.
 - procedure in general, 5629.
 - of county court, 5630.
 - appraisalment and setting apart of homestead of decedent, 8724.
 - procedure upon objections to the inventory and appraisalment of the homestead of a decedent, 8726.
 - possession and occupancy of homestead after death, 8723.
 - how far exempt from debts of decedent, 5631, 8723.
 - determination of heirs and devisees of deceased entrymen, 8157.
 - procedure, 8158.
 - descent and distribution of home entries, 5627.
- § 6. *Distribution.*
 - procedure for partial distribution before final settlement, 8841-8845.
 - procedure for final distribution, 8846-8847.
 - procedure on distribution in case of the death of an unmarried heir, 8846.
 - procedure for the distribution of estate of deceased non-resident, 8861-8866.
 - procedure for the care and disposition of unclaimed shares, 8867-8872.
 - form of final decree of distribution, 8849.
 - county court to determine all questions regarding advancements made by decedent, 8850.
 - duty of the county court to ascertain that taxes have been paid, 8848.
 - proportionate liability of devisee and legatee for debts of the estate, 8782.
 - conclusiveness of final decree of distribution, 8855.
 - effect of discovery of property upon the final settlement, 8873.
 - right to order decree for partition in final decree of distribution, 8849, 8851-8851.

ESTATES OF FREEHOLD.

See Property, Real, § 2.

ESTATES TAIL.

See Property, Real, § 2.

ESTOPPAGE IN TRANSIT.

all goods sold when authorized, 6881.
insolvency defined, 6882.
when transit ends, 6883.

INDEX.

(References are to sections.)

ESTOPPAGE IN TRANSIT — (continued).

- how effected, 6884.
- not rescission of sale, 6885.

ESTRAYS.

- See Animals, § 8.

EUCAINE.

- any product containing, must be labeled, 2942.

EVIDENCE.

§ 1. *In general.*

- defined, 5595.
- force of certificate of redemption in tax judgment sales, 2341.
- rules of, in criminal trial, 10838.
- in contest of election, 1050.
- when to be taken in contest of legislative election, 1072.

§ 2. *Judicial notice.*

- powers of courts in respect to, 7936.
- subjects of which courts will take judicial notice,
 - of whatever ought generally to be known within the limits of the court's jurisdiction, 7938 (30).
 - of what is commonly known as to manufactures and industries, 7938 (39, 40).
 - of matters of common knowledge and science, 7938 (68).
 - of the meaning of initials as commonly used, 7938 (70-72).
 - of the meaning of words, phrases and abbreviations in the English language of common use, 7938 (67, 69).
 - of time, the facts stated by the almanac, and of the course of nature, 7938 (1-8, 76).
 - of certain enumerated geographical facts, 7938 (11, 13-17).
 - the geographical divisions and political history of the world, 7938 (76).
 - of the general history and geography of the country and state, 7938 (32-37).
 - of the national flag and seal or sovereign of foreign powers, 7938 (74).
 - of the places which are great marts of trade, 7938 (9).
 - of the distance between well-known places in the United States, 7938 (10).
 - organization, jurisdiction, officers, and proceedings of courts, 7937.
 - of city ordinances in appeals from police magistrate, 3660.
 - of the constitution of the United States, public laws and treaties, 7938 (44-47).
 - of domestic statutes, legislative journals, etc., 7938 (57-62).
 - of the laws and judgments of a sister state, 7938 (63, 64).
 - of the civil divisions of the state, 7938 (26, 27).
 - of organization of cities, 3650, 3775, 7938 (18, 19).
 - of the organization of villages, towns and townships, 7938 (18, 19).
 - of the election of state officers, 7938 (28).
 - of the official signatures and seals of office of the principal officers of the state and United States, 7938 (73).
 - of the seal of courts of admiralty, and of notaries public, 7938 (75).
 - of public officers and their official acts, 7938 (20-25).
 - of the survey and rules and regulations as to public lands, 7938 (48-51).
 - of the taking and result of the census, 7938 (38).
 - of the fact that mail matter will originally reach its proper destination, 7938 (31).
 - of railroads, telegraph and telephone lines, 7938 (12).
 - of the circulating medium and popular language in reference thereto, 7938 (65, 66).
 - of the universal usage of merchants, 7938 (29).
 - of the law merchant, 7938 (52).
 - of the custom of mutual credits, 7938 (53).
 - of the commercial usage to observe Sundays and certain festivals, 7938 (54).
 - of the business of mercantile agency, 7938 (41).
 - of the inflammable and explosive character of certain substances, 7938 (42, 43).

INDEX.

(References are to sections.)

EVIDENCE — (continued).

- subjects of which courts will take judicial notice — (continued).
 - of intoxicating liquors, generally, 10105.
 - that whisky, brandy and alcohol are intoxicating liquors, 7938 (55).
 - that beer is a malt liquor and intoxicating, 7938 (56).

§ 3. Presumptions.

in general,

- duty of jury as to presumptive evidence, 7934.
- presumption deemed conclusive, 7935.
- rebuttable presumption, 7936.
 - as to time of vesting of testamentary disposition, 5709.
 - gifts in view of death, presumed, when, 5542.
 - of insolvency of principal of guarantee, when, 6660.
 - presumption of jurisdiction of military courts, 2404.
- as to matters concerning persons.
 - of legitimacy of children born in wedlock, 4420.
 - of legitimacy of children born after dissolution of marriage, 4421.
 - of legitimacy of children, right to dispute, 4422.
 - as to domicil not applicable in actions for divorce, 4399.
 - inference of duress from coverture, rebuttable, 9215.
 - of survivorship where two or more persons die in same calamity, 7936.
 - of death from absence, 7921, 7936.
 - of innocence, 10831.
 - of intent to defraud anyone misled, when, 5945.
 - intention to make an equitable agreement, 7203.
 - of fraud, where personalty is transferred without change of possession, 7221.
 - creditor's retention of partial performance, when presumed involuntary, 5797
- as to trustees,
 - as to discretionary power of trustee, 6307.
 - as to good consideration between trustee and beneficiary, 6288.
- as to contracts, generally,
 - of cause of uncertainty in contracts, 5914.
 - as to the value of a written instrument, 7180.
 - as to date of negotiable instrument, 6896.
 - that promise is joint and several, when, 5919, 5920.
 - that debtors are joint, 5767.
 - of interest on loan of money, 6069.
- as to contract of service,
 - length of term of service of servant, 6135, 6136.
 - as to renewal of term and wages of servant, 6137.
- as to contracts of hiring,
 - as to term of hiring of realty, 6092.
 - as to term of hiring of lodgings, 6093.
 - as to renewal of hiring, 6094, 6095.
- as to marine insurance,
 - as to knowledge of loss in case of marine insurance, 6553.
 - of total loss in marine insurance, 6586.
- as to possession and ownership of realty,
 - when trusts in realty presumed, 5365.
 - as to possession from title, 7365.
 - of ownership of land to center of highway, 5353.
 - that grant was delivered at its date, 5496.
 - of fee simple title from grant, 5527.
- as to corporate matters,
 - as to knowledge and assent of director of corporation, 10020-10022.
- as to partnerships,
 - as to partnership property, 6394.

INDEX.

(References are to sections.)

EVIDENCE — (continued).

- as to damages,
 - as to damages arising from wrongful conversion of personal property, 7168, 7169.
 - that breach of agreement to convey real property cannot be adequately relieved by pecuniary compensation, 7194.
 - that breach of agreement to transfer personal property can be adequately relieved by compensation, 7194.
- of negligence,
 - killing of stock by railroad prima facie evidence of negligence, 4644.
 - of negligence where damage ensues from violation of navigation rules, 5456.
 - of negligence on part of depository, when, 6024.
- of violation of law,
 - of attempted violation of game and fish law, what is, 10305.
 - acts prohibited by cold storage act as evidence of the violation of the act, 3161.
 - presumptive evidence of violation of prohibition law, 10128.
- of violation of law from possession,
 - of dairy products improperly branded, 10200.
 - of mis-branded paint, 2924.
 - finding of intoxicating liquor prima facie evidence of nuisance, 10118.
- § 4. *Burden of proof.*
 - as to jurisdiction of military courts, 2404.
 - of want of consideration of contract, 5882.
 - as to reasonableness of rates before railroad commissioners, 4730.
 - in mitigation or excuse of homicide, on defendant, 10860.
- § 5. *Documentary.*
 - in general,
 - legislative journals, as evidence, 90.
 - priority of filing number given by register of deeds prima facie evidence of priority of filing, 3336.
 - writing as presumptive evidence of consideration, 5874.
 - abstract prima facie evidence of title, 5547.
 - certificate of election of member of legislative assembly, prima facie evidence of election, 27.
 - dentist certificate as evidence of right to practice, 512, 513.
 - statement in indenture of apprentice as to age presumptive evidence thereof, 4480.
 - certified copies of articles of incorporation as evidence of incorporation, 4514.
 - certificate of article of domestic insurance company as evidence of incorporation, 4839.
 - receipt for premium in insurance policy as conclusive evidence of payment, 6515.
 - surveys made by county surveyor presumed correct, 3428.
 - documents as evidence of validity or regularity,
 - list of unpaid taxes to be prima facie evidence of validity of taxes, 2314.
 - schedule of rates as prima facie evidence of legality of schedule, 4728.
 - tax certificate prima facie, that law complied with, 2193.
 - certificate of sale to be prima facie evidence of regularity of proceedings, 2324.
 - documents to be received in courts as evidence,
 - copies of the proceedings of county commissioners certified and attested by the county auditor, 3269.
 - copies of all papers filed in the office of city auditor certified by him shall be competent evidence in all courts, 3624.
 - transcript of all records of the city counsel certified by city auditor, 3624.
 - record of city ordinances kept by city auditor, 3596.
 - records and original papers of public improvements, kept by city auditor, 3738.
 - marriage records or certified copies, 4367.
 - articles of incorporation of banking certificate, 5158.

INDEX.

(References are to sections.)

EVIDENCE — (continued).

- documents presumptive or prima facie evidence of facts therein stated,
 - entries by public officers, 7917-7918.
 - record of tax deed, 2208.
 - certified copies of articles of incorporation, 4514.
 - record of county auditor or town clerk in proceedings for laying out railroads, 1928.
 - certificate of county surveyor to surveys made by him, 3427.
 - findings of railroad commissioners, 4741.
 - sheriff's return of service of process or notice, 3392.
 - sheriff's certificate of sale under execution, 7751.
 - affidavit of printer in foreclosure by advertisement, 8093.
 - of justice docket, 9012.
 - allowance and settlement of the accounts of an executor or administrator, 8837.
 - certificate of chemist under pure food law, 2880.
 - certificate of state chemist as to contents of fertilizers, 2895.
 - certificate of chemist as to formaldehyde, 2930.
 - certificate of analysis of paris green, 2936.
 - certificate of analysis of drugs, 2950.
 - certificate of state botanist, 2906.
 - certificate of experimental station as to contents of liquor, 10164.
- § 6. *Admissibility of, generally.*
 - statute, codes, decisions, 7910.
 - copies of judicial records, 7911.
 - of foreign countries, 7912.
 - business records, 7909.
 - transcript of justice's records, 7914.
 - how used in another county, 7915.
 - county instrument, 7916.
 - record of instrument, 5597.
 - proceedings before commissioners of conciliation not to be used as evidence in subsequent trial, 9192.
 - pleadings in civil actions not to be used as evidence in criminal prosecution, 7456.
 - before grand jury, 10059-10661.
 - what admissible in proceedings against bawdy house, 9651.
 - in proceedings against gambling house, 9698.
 - proof of other overt acts, in prosecution for conspiracy, 10840.
 - proof of other overt acts not admissible in prosecution for treason, 10839.
 - general character of place, in action for violating prohibition law, 10128.
 - of good faith admissible in prosecution for illegal voting, when, 9291.
- § 7. *Competency.*
 - statement of decedent, 7871.
 - testimony of decedent, 7871.
 - interpreter, oath of, 7926.
 - when judge or juror may testify, 7925.
 - confidential relations, 7923.
 - how waived, 7924.
- § 8. *Sufficiency.*
 - in general,
 - of probable duration of life, 7922.
 - of death of person, 7921.
 - necessary to sustain action for damages for setting prairie fire, 2799.
 - of tree planting for bounty, 2815.
 - to establish the genuineness and execution of a will in probate proceedings, 8644.
 - of lost will, 5659.
 - what necessary to stop running of statute of limitations, 7394.
 - what required in actions for divorce, 4400.
 - proof of handwriting to prove execution of instrument, 5571.
 - proof of legal publication, how made, 7913.

INDEX.

(References are to sections.)

EVIDENCE — (continued).

in general — (continued).

- official documents, how proved, 7919.
- certified copies of, requisites of, 7920.
- of publication and sale of stock for delinquent assessment, 4587.
- latitude allowed in writ of mandamus, 8463.

in criminal actions,

- of accomplice not sufficient to convict, 10841.
- extent of, in anti-trust proceedings, 9956.
- in action of bigamy, what proof of former marriage necessary, 10861.
- what required for conviction in barratry, 9410.
- in non-support cases, 9600.
- proof required to convict of treason, 10839.

§ 9. Falsifying and suppressing.

- offering false evidence, 9382.
- deceiving a witness, 9383.
- preparing false evidence, 9384.
- destroying evidence, 9385.
- preventing witness from attending, 9386.
- contemplating witness, 9387.
- bribing witness, 9388.
- suppression of, 9404.

EXAMINATION OF PARTIES.

See Discovery.

EXAMINATION, ORAL.

defined, 7886.

EXAMINERS, STATE BOARD OF.

- duties of, transferred to state board of education, 1427.
- as to state board of education, see Education, § 2.

EXCEPTIONS.

- See Trial, § 10.
- in criminal actions, see Criminal Procedure, § 11.
- to deposition, see Deposition.
- to sureties on appeal in justice's court, 9160.

EXCHANGE.

- loan for, see Loans, § 2.
- deposit for, see Deposit, § 7.
- defined, 6003.
- rules governing, 6004, 6005.
- money exchanged warranted genuine, 6006.

EXCUSABLE.

homicide is, when, 9501.

EXECUTIONS.

- of judgment in justice's court, see Justice of the Peace, §§ 6, 7.
- in criminal actions, see Criminal Procedure, § 18.
- § 1. General provisions relative to.
 - printer's fees to be paid in advance, 7767.
 - reversal of judgment does not defeat title of purchaser, 7768.
 - execution against principal first, 7769.
 - amercement of sheriff, 7770.

INDEX.

(References are to sections.)

EXECUTIONS — (continued).

- amercement of clerk, 7771.
- measure of amercement, 7772.
- return of writ of execution by mail, 7773.
- procedure against sheriff to amerce, 7774.
- surety of sheriff to be made party, 7775.
- officer's reimbursement, when, 7776.
- liability of sheriff for failure to execute writ of execution or attachment, 3394.
- in proceedings to collect poll tax, 1967.
- enforcement of decree or order issued by the county court for the payment of money, 8587, 8588.
- enforcement of decree or order of the county which requires or prohibits the performance of any act other than the payment of money, 8588.
- right to issue a judgment recovered against a decedent in his lifetime, 8746.
- right to issue upon a judgment recovered upon a claim presented against the estate of a decedent, 8745.
- right to issue upon a judgment rendered for or against decedent in his lifetime, or against his representative or successor in interest after his death, 8807.
- renewal of, on judgment, 7693.
- payment to sheriff by third person, 7727.
- removing property to avoid, 10000.
- officer's lien on, 6871.
- fees of referee for services rendered in sale of real estate, 3523.
- § 2. *Issuance of.*
 - issued at any time within ten years, 7713.
 - for the delivery or sale of property, 7714.
 - kinds of, 7715.
 - against property, to whom issued, 7716.
 - against property, to different counties, 7716.
 - when to be issued against person, 7717.
 - issue and contents of, 7718.
 - issuance of, in judgment by confession, 8479.
 - time of return, 7719.
- § 3. *Levy.*
 - manner of levy, 7720.
 - officers' proceedings on, 7722.
 - levy and sale, 7723.
 - amount levied; when lien on personalty, 7724.
 - levy on things in action, 7725.
 - sheriff's fees for levying writ, 3514.
 - levy dissolved by insolvency proceedings, 8383.
- § 4. *What property subject to.*
 - property liable to, 7720.
 - claim against property by third person; sheriff's jury to try title, 7723.
 - upon judgments recovered against townships, 4234, 4235.
 - pledged or mortgaged property may be levied on, 7721.
 - against homestead under mechanics' liens, 6824.
 - homestead, when subject to, 5607.
 - against franchises of corporation, 4589.
- § 5. *Exemptions.*
 - property exempt from all process, 7729, 7730.
 - additional exemptions, 7731.
 - specific alternative exemptions, 7732.
 - articles exempt by number, chosen; by value, appraised, 7733.
 - how appraisers selected, 7734.
 - oath and duties of appraisers, 7735.
 - wife or child may claim exemption, 7736.

INDEX.

(References are to sections.)

EXECUTIONS — (continued).

sheriff's inventory of exemptions, 7737.
claim of exemption, when to be made, 7738.
cases in which only absolute exemptions are allowed, 7739.
property not exempt in action for purchase price, 7740.
but one exemption to partnership, 7741.
when no exemption, 7742.
only absolute exemptions against fines, penalties and costs, 7743.
property of city exempt from sale on, 3757.
public property of villages not subject to, 3868.
property of independent school district not subject to, 1309.
exemption of banks from, 5188.
cemetery lots exempt from levy and sale under, 5099.
firemen's pension, 4004.
chattel interests not liable to sale on, 5308.
homestead exempt from, 5605.
— after death of owner, 5631.
— of proceeds of sale of homestead, 5618-5620.
family allowances from estates of decedents, 8725-8727.
execution from justice's court, against exempt property, 9119.

§ 6. Stay.

stay of, on appeal, see Appeal.
of judgment, stay, 7687.
not stayed on appeal without undertaking, 7825, 7831.
sale of mortgaged property, how stayed, 7829.

§ 7. Sales.

of personalty, notice of; perishable property, 7744.
of real property, 7745.
resale made, 7746.
time and manner of sales, 7747.
postponement of sale, 7748.
surplus to be paid defendant, 7749.
sale after sixty days, when, 7750.
purchaser's right; sheriff's certificate, 7751.
protection of mortgagee and mortgagor, during redemption period, 8117, 8118.
certain sales invalidated, 7765, 7766.
what need not be sold on, 7726.

§ 8. Sheriff's deed.

contents and effect of, 7763.
sheriff's successor may make, 7764.

§ 9. Redemption.

who may redeem, 7753.
payment on, and period for redemption, 7754.
redemption of real estate, 7755.
record of redemption, 7756.
sheriff to execute deed, 7757.
filing of certificate of redemption, 7758.
payments for redemption, to whom made, 7759.
requisite papers on redemption, 7760.
use of premises; waste restrained, 7761.
purchaser entitled to rents; accounting for, 7762.
protection of purchaser for expenditures made during period of redemption, 8117.
protection of redemptioner against expenditures, 8118.

EXECUTIVE MANSION.

appropriation for improvement of, 1801.

EXECUTIVE POWER.

crimes by and against, 9300-9319.

INDEX.

(References are to sections.)

EXECUTORS AND ADMINISTRATORS.

as to inheritance, see Succession.

§ 1. In general.

summary administration where estate is of small value, 8729.

administration of estate of deceased inmate of soldiers' home, 1788, 1789.

as parties to action, 7399.

deposits by, in savings banks, 5200.

when guilty of embezzlement, 9933.

validity of the acts of a majority where there are more than two, 8651 (3).

effect of acts of one where other is absent from the state or is under legal disability from serving, 8651 (3).

effect of the acts of one where he is given authority in writing to act for both, 8651 (3).
procedure where one of several executors or administrators die, become incapable of discharging the trust or is removed, 8706.

discharge of mortgage by foreign, 6745.

effect of reversal of decree upon acts done in pursuance thereof, 8622.

power of the court to suspend the powers of or to enjoin him from doing any specific act, 8702.

power of the court to restrain doing any acts detrimental to the interest of a party claiming another will, 8654.

power of county court to enforce payment of legacies and the distribution of estate of decedent, 8525.

oath,

form of oath, where filed, 8684.

oath to the inventory, 8715.

compensation and commission,

amount of, 8822.

right to allowance for expenses, 8821.

powers,

in general, enumerated, 8666.

of person named as executor before letters are issued, 8653, 8736.

of executor of executor of estate of first testator, 5737.

authority to executor to appoint executor, void, 5735.

of executors to whom letters have been granted, 8651 (3).

of executors or administrators c. t. a. appointed under a foreign will, 8673.

as to summary administration where the estate is of small value, 8729.

right to possession to the real and personal property of the decedent, 8707.

to lease of the real property of the decedent, 8710.

to compound debts, 8814.

to compromise claims against the estate, 8814.

to refer claims presented against the estate to arbitration, 8747.

to keep buildings and fixtures in suitable repair, 8710.

to mortgage the estate of the decedent, procedure, 8790, 8791.

to redeem lands from tax sale, 2224.

to maintain and defend suits, 8798.

to sell property for payment of inheritance tax, 8983.

to collect amount of inheritance tax by suit against heirs or devisees and legatees, 8984.

duties,

of executor in general enumerated, 8653.

as to accounting and settlement, see *infra*, § 9.

of person named as executor to accept or renounce, 8639.

as to taking possession and care of all goods and chattels of the decedent, 8707.

as to the collection of debts and demands due to the deceased, 8707.

to collect the rents and profits from the real estate, 8707.

to protect the real property of the decedent, 8707.

to keep buildings and fixtures in repair, 8710.

as to publication of notice to the creditors for the presentation of claims, 8734.

INDEX.

(References are to sections.)

EXECUTORS AND ADMINISTRATORS — (continued).

duties — (continued).

- as to purchasing claims against the estate, 8819.
- to account for profit and losses of the estate, 8817.
- as to claims which are barred by statute of limitations, 8743.
- to represent shares of deceased in corporate meetings, 4516.
- to appoint agent when residing out of the state, 8674.
- as to the application of purchase money upon the sale of land subject to mortgage or lien, 8786.
- as to payment of inheritance tax, 8979.
- to file statement of receipts and disbursements after rendition of final account, 8846.
- to deliver property to his successor, 4241.

§ 2. Appointment.

- power of county court to grant letters, 8525.
- letters testamentary and of administration with the will annexed,
 - who entitled to letters, 5734.
 - who are incompetent to receive letters in general, 8651, 8682.
 - minority as ground for refusing letters, 8651 (1).
 - conviction of infamous crime as ground for refusing letters, 8651 (2).
 - right of executor of an executor as such to administer on the estate of the first testator, 8651 (3).
 - right of executor who qualifies to administer the estate where another named as executor is a minor or is absent from the state, 8651 (3).
 - drunkenness, improvidence or want of understanding as ground for refusing letters, 8651 (3).
 - right of married woman to receive letters, 8651 (3).
 - clerk of county court disqualified to act as executor, 8520.
 - right to object to the granting of letters testamentary, procedure, 8651 (3).
 - issuance of letters upon foreign wills, 8672, 8673.
 - form of letters testamentary, 8689.
 - form of letters of testamentary administration, 8690.
 - fee for taking out letters, 3503.
 - issuance of letters where property is discovered after final settlement of estate, 8873.
- letters of administration,
 - when letters of administration may be granted, 8656.
 - contents of petition for letters, 8659.
 - notice of hearing for the granting of letters, 8659.
 - duty of court to serve citation upon county treasurer, 8988.
 - proof of death and of intestacy, 8662.
 - proof of value of property of decedent, 8662.
 - where the heirs are unknown, 8668.
 - when granted on application of state's attorney, 8667.
 - persons entitled to receive letters of administration, enumerated, 8657.
 - time for persons enumerated in the statute to apply for letters, 8658.
 - right of person entitled to administration to waive his right thereto, 8661.
 - right to nominate a third person, 8661.
 - power of court to disregard preferences enumerated in the statute, 8663.
 - discretion of the court as to appointment of persons equally entitled, 8663.
 - discretion of the court where person entitled is a minor, 8657.
 - persons incompetent to receive letters of administration, enumerated, 8682.
 - clerk of county court disqualified to act as administrator, 8520.
 - right of surviving partner to be appointed administrator, 8657.
 - right of county treasurer to apply for letters, 8988.
 - minority as disqualifying, 8657.
 - conviction of crime as disqualifying, 8657.
 - drunkenness as disqualifying, 8657.
 - persons entitled to object to the granting of letters, procedure, 8660.
 - decree granting administration to prescribe the amount of the bond, 8664.

INDEX.

(References are to sections.)

EXECUTORS AND ADMINISTRATORS — (continued).

letters of administration — (continued).

decree granting administration may fix the time within which persons shall qualify, 8664.

form of letters of administration, 8690, 8691.

fee for taking out letters, 3503.

issuance of letters where property is discovered after final settlement of the estate, 8873.

ancillary letters, when authorized, 8672.

§ 3. Bonds.

form of, 8685, 8627.

amount of bonds, how determined, 8685.

to be filed in the office of county judge, 8627.

where the will expressly provides that no bonds shall be required, 8687.

right to require separate bonds where letters are issued to more than one, 8688.

procedure to compel the filing of a new or additional bond, 8693-8695.

bonds upon receiving authority to sell or mortgage real estate, 8686.

justifications of sureties, 8625.

manner of approving bonds, 8625, 8627.

procedure for the release of sureties, 8696.

right of action in favor of persons injured by violation of the provisions of, 8627.

conditions precedent to an action on the bond of a deceased executor or administrator, 8805.

conditions precedent to action on bond of an executor or administrator whose letters have been revoked, 8805.

right to successive recoveries on bond, 8803.

§ 4. Assets.

as to homestead of decedent, see Estate of Deceased Persons, § 5.

as to family allowance, see Estates of Deceased Persons, § 4.

personal debts of executor to decedent, 8716.

partnership property, 8717.

powers and duties of surviving partners as to the care and disposition of partnership property, 8711.

stock in building and loan associations, 5122.

procedure for discovery of, 8800.

procedure to compel third persons to disclose information in regard to, 8712, 8713.

liability of person having or obtaining property of a decedent without authority from the executor or administrator, 8708.

liability for embezzling or concealing property of decedent, 8709.

effect of discovery of property upon the final settlement of the estate, 8873.

power of the court to order that the money in the hands of the executor or administrator be invested, procedure, 8840.

liability of life insurance made payable to personal representative to debts of decedent, 8719.

§ 5. Inventory and appraisalment.

time for making, 8714.

manner of making inventory, 8715.

oath of executor or administrator, 8715.

property to be included in the inventory, 8714-8719.

personal property exempt from execution to be set aside to the surviving wife or husband or minor children, 8725.

appraisalment of homestead, 8724.

procedure upon objection to the inventory and appraisalment concerning the homestead or other exempt property, 8726.

supplementary inventory, time for making, 8722.

appraisers,

appointment, oaths, compensation, 8720.

duties of appraiser, in general, enumerated, 8721.

summary administration where the estate is of small value, 8729.

INDEX.

(References are to sections.)

EXECUTORS AND ADMINISTRATORS — (continued).

§ 6. *Claims against estate.*

- notice to creditors for the presentation of claims, 8734.
- penalty for failure to give notice, 8751.
- time for the presentation of claims, 8734, 8736.
- right of the county judge to present claim against the estate, 8739.
- procedure for the presentation of claims by the executors or administrators, 8750.
- effect of failure to present claim within the time designated, 8736.
- necessity of presenting claims before maintaining an action thereon, 8743, 8791.
- necessity of presenting claim upon which an action was pending against the decedent at the time of his death, 8744.
- what will prevent the statute of limitations from running against a claim, 8743.
- proof of claim, how made, 8737, 8738.
- indorsement of allowance or rejection of claim, how made, 8740.
- indorsement as to allowance in part, 8744.
- duty to reject claims which are barred by the statute of limitations, 8743.
- allowed claims to be filed in the county court, 8741.
- duty to return a statement of all claims presented, 8752.
- power of the court to allow just claims paid without proof required by the statute, 8738.
- power of the county judge to examine the claimant and others as to the validity of the claim, 8743.
- time for instituting suit upon rejected claim, 8742.
- manner of instituting suit upon rejected claim, 8742.
- effect of the recovery of judgment upon a claim presented against the estate, 8745.
- right of creditors to recover costs in action on claims which had been allowed in part, 8744.
- right of executor or administrator to maintain actions upon individual claims presented against the estate, 8750.
- right to compound debts of the decedent, 8814.
- right to compromise claims, 8814.
- right to refer claims presented against the estate to arbitration, procedure, 8747-8749.
- order of payment of claims,
 - funeral expenses as a preferred claim, 8725, 8728, 8755.
 - of acknowledged debts and charges, 8755, 8756.
 - of legacies, 8762, 5723, 5724.
 - of contingent claims which are pending, 8761.
- payment of interest on claims secured by mortgage or lien, 8753.
- manner of paying liens on realty upon the sale of the land, 8757.
- provisions of will as to payment of debts, 8731.
 - procedure where provisions of the will are insufficient, 8732.
- property chargeable with payment of debts,
 - in general, 8730, 5721, 5722.
 - for charges for last illness, 8725.
 - for funeral expenses, 8725.
 - life insurance made payable to personal representative, 8719.
 - priority between personal and real property for the payment of debts, 8730.
 - property given by will to legatees or devisees, order of payment, 8733, 5723, 5724.
 - application of property conveyed in fraud of creditors, 8813.

§ 7. *Sale of property of the estate.*

- personal property, how made, 8767, 8769, 8770.
- partnership property, how made, 8768.
- perishable property, 8766.
- contracts for the purchase of land, 8783-8785.
- real estate, 8771.
- property subject to mortgage or lien, 8786.
 - application of purchase money, 8786.
- to satisfy inheritance tax, 8983.
- property conveyed by decedent in fraud of his creditors, 8813.

INDEX.

(References are to sections.)

EXECUTORS AND ADMINISTRATORS — (continued).

- power of the court to direct sale on its own motion, 8839.
- execution of power of sale under will, 8781.
- procedure for obtaining order of sale, 8764.
 - for the sale of real property, 8771.
 - for the sale of real estate where it is necessary to sell only a part, 8772.
 - for sale of the property of an insolvent estate, 8764.
- necessity of securing order of sale where authority is given in the will, 8781.
- right of interested party to apply for order of sale where the executor or administrator neglects to apply, 8773.
- sale,
 - manner of holding public and private sales, 8774, 8775.
 - time and place of holding sale, notice, 8774.
 - right of an executor or administrator to purchase property, 8789.
 - who may purchase incumbered real estate, 8787.
- resale where purchaser refuses to comply with terms of sale, 8778.
 - liability of purchaser, 8778.
- return of sale,
 - duty to make return, penalty for neglect, 8789.
 - necessity of making, 8764.
 - where order of sale is given in the will, 8781.
 - manner of making, 8775.
- confirmation of sale,
 - what order must show, 8780.
 - time for making, 8777.
 - objections to the confirmation of sale, how made, 8776.
- conveyance to purchaser, 8779.
- limitation of actions,
 - for the recovery of property by one claiming under decedent, 8788.
 - to set aside decree directing or confirming sale, 8809, 8810.
 - liability for fraudulent sale of real estate, 8804.
 - for misconduct in sale of property, 8787.
- § 8. Suits by and against.
 - suits on behalf of the estate,
 - powers of executors and administrators to maintain actions in general, 8798.
 - for possession of real estate, 8797.
 - for quieting title to real estate, 8797.
 - for waste, 8800.
 - for trespass, 8800.
 - for conversion, 8800.
 - proceedings for the discovery of property of decedent, 8800.
 - to secure accounting of partnership property, 8801.
 - to enforce right to possession of property and effects of estate, 8801.
 - to collect demands due estate, 8801.
 - to set aside conveyances made by decedent in fraud of creditors, 8811, 8812.
 - right to prosecute action commenced by decedent, or administrator previously appointed, 8801.
 - action upon bond of executor or former administrator, 8802, 8803.
 - conditions precedent to an action on the bond of a deceased executor or administrator, 8805.
 - conditions precedent to action on bond of an executor or administrator whose letters have been revoked, 8805.
 - suits by, to compel payment of inheritance tax, 8984.
 - suits against,
 - necessity of presenting claim before bringing action, 8791.
 - time for instituting suit upon rejected claim, 8742.
 - manner of instituting suit upon rejected claim, 8742.

INDEX.

(References are to sections.)

EXECUTORS AND ADMINISTRATORS — (continued).

suits against — (continued).

- effect of the recovery of judgment upon a claim presented against the estate, 8745.
- right of creditors to recover costs in action on claims which have been allowed in part, 8744.
- right of executor or administrator to maintain actions upon individual claims, presented against the estate, 8750.
- enforcement against the estate of decedents' of contract to convey real estate, 8792-8796.

lien of judgment rendered against a decedent dying after verdict but before judgment is rendered thereon, 8808.

effect of judgment recovered against personal representatives in an action pending at the death of the decedent, 8806.

conclusiveness of the settlement and allowance of an account by the court, 8837.

right to issue execution,

upon judgment rendered for or against decedent in his lifetime, 8746, 8807.

upon judgment against personal representatives, 8807.

upon judgment recovered on a claim presented against an estate, 8745.

§ 9. Accounts and settlement.

as to distribution, see Estates of Deceased Persons, § 6.

power of county courts as to accounts, 8525.

partial accounts,

duty to file account within six months, 8823.

procedure to compel filing of, 8824.

persons who may require filing of, 8828.

account at expiration of one year,

form of, contents, 8829.

procedure to compel filing of, 8829.

persons who may require filing of, 8829.

final account,

time in which final account may be filed, 8754.

penalty for refusal to file account after being cited to do so, 8828.

duty to file vouchers with account, 8831.

right to prove payment in the absence of a voucher, 8831.

allowance of account not accompanied by vouchers, 8832.

persons who may file objections to, 8827.

right to examine executor or administrator on oath touching effects of the decedent and the disposition thereof. 8831.

final settlement,

time for holding final settlement, 8833.

jurisdiction of the county court, 8524.

notice of final settlement, 8833, 8834.

who may appear and file exceptions, 8835, 8836.

right to appoint referee to examine the accounts, 8836.

time for making decree allowing the accounts, contents of decree, 8838.

allowance and settlement of accounts as prima facie evidence of correctness, 8837.

duty to file statements of receipts and disbursements after rendition of final account, 8846.

§ 10. Revocation of letters.

power of county court to revoke letters, 8525.

discretion of the court as to the revocation of letters,

upon the return of the absent executor, 8651 (3).

when a minor named as executor reaches the age of majority, 8651 (3).

procedure for the removal of an executor or administrator, 8699-8701.

grounds for the revocation of letters,

in general enumerated, 8698.

for failure to file a new bond, 8695.

INDEX.

(References are to sections.)

EXECUTORS AND ADMINISTRATORS — (continued).

grounds for the revocation of letters — (continued).

for failure to give notice to creditors for presentation of claims, 8751.

marriage of executrix, 8651 (3).

marriage of administratrix, 8657.

residing out of the county, 8830.

concealing himself to avoid service of process, 8830.

neglect to file account, 8830.

for refusal to file an account, 8828.

for neglect, waste, embezzlement or mismanagement, 8827.

effect of decree granting or revoking probate of will to revoke the former letters, 8655, 8697.

right to a discharge upon the final settlement of account, procedure, 8703-8704.

rehearing for revocation of administration, 8665.

limitation of time for presenting petition for rehearing, 8665.

validity of acts prior to the revocation or suspension of letters, 8705.

procedure where one dies or becomes incapable of discharging the trust or where letters are revoked as to one of them, 8705.

§ 11. *Liability.*

for profit or loss of the estate, 8817.

for uncollected debts due the decedent, 8818.

for money and property received before the issuance of letters of administration, 8820.

for the whole of the estate at the value of the appraisal contained in the inventory, 8816.

naming one in a will as executor as a discharge from personal debt due the decedent, 8716.

for acts done previous to the revocation of the will, 8649.

for collection and payment of inheritance tax, 8981.

on promise to answer for damages or pay debts of the decedent out of his own estate, 8815.

when guilty of embezzlement, 9933.

for fraudulent sale of real estate, 8804.

for misconduct in the sale of property, 8787.

for failure to make return of sale to the court, 8789.

for failure to give notice to creditors,

for the presentation of claims against the estate, 8751.

of settlement of account and order for distribution of estate, 8763.

punishment for contempt for refusal or neglect to obey orders of the court, 8688.

punishment as a bar to an action on his bond, 8589.

§ 12. *Special administrator.*

provisions for the appointment of, 8667.

who may be appointed as, 8660.

powers and duties in general, enumerated, 8670, 8671.

§ 13. *Public administrator.*

ex officio public guardian, 3439.

election, 3257.

qualifications, 3439.

term of office, 3439.

bond, 3440.

oath, bond, and certificate of election to be filed, 3440.

compensation, 3441.

duties of civil officers to inform public administrator of all property and estates which ought to be in his hands, 3446.

powers,

in general, enumerated, 3442, 3443.

as to suits for the preservation of the estate, 3447.

to administer oaths, 833.

INDEX.

(References are to sections.)

EXECUTORS AND ADMINISTRATORS — (continued).

- duties,
 - in general, enumerated, 3442, 3443.
 - to give notice on taking charge of estate, penalty for failure, 3445.
 - as to charging fee as attorney in the administration of the estate of a decedent, 3444.
 - to account to successor, 3448.
- removal,
 - by governor, 685.
 - grounds for removal, 3441.

EXEMPLARY DAMAGE.

See Damages, § 7.

EXEMPTIONS.

- of property from execution, see Execution, § 5.
- from taxation, see Taxes, § 3.
- allowance to family of decedent, see Estates of Deceased Persons, § 4.
- of homestead, see Homestead.
- no property exempt from fine for Sabbath breaking, 9243.
- of fraternal beneficiary societies from application of insurance law, 5061a.
- of debtor in supplementary proceedings, 7782.
- what property exempt for damages for trespassing animals, 8506.
- from arrest of discharged prisoner on civil process, 8489.
- of ambassadors, etc., from punishment, 9216.
- of debtor in insolvency proceedings, 8384.
- widow's exemption, 8725-8727.
- from jury duty, not cause of challenge, 10811.
- liability of life insurance to claims of creditors, 8719.

EXHIBITION.

- power to the city to license, tax, regulate and prohibit, 3599 (30).
- under commission form of government, 3818 (23).
- power of villages, 3861 (4).

EXPERIMENT STATION.

See Agricultural Experiment Station.

EXPERTS, BOARD OF.

duties of, as to parole prisoners, 10943-10949.

EXPLOSIVES.

- power of cities to regulate and prevent the storage of, 3599 (50).
- regulations affecting the storage of, in cities under commission form of government, 3818 (45).
- regulations affecting the storage of, in villages, 3861 (3).
- keeping within city or village, misdemeanor, 9745.
- use of, to force entry to building, punishment, 9878.
- manufacturing, using or selling of certain, misdemeanor, 9746.
- destroying buildings with, how punished, 10661.
- endangering human life with, how punished, 10062.
- keeping illegally, killing by, 9497.

EXPOSITIONS.

See Panama Exposition Commission.

EXPRESS COMPANIES.

defined, 2247.

INDEX.

(References are to sections.)

EXPRESS COMPANIES — (continued).

- assessment of, 2144.
- inspection of books in aid of prohibition law, 10176.

EXPRESS CONTRACT.

- defined, 5884.

EXPRESSMEN.

- power of cities to license, tax and regulate, 3599 (31).
- under commission form of government, 3818 (24).

EXTORTION.

- defined, 9943.
- threats constituting, 9944.
- punishment for, 9945.
- extortion under color of official right, 9946.
- obtaining signature by, 9947.
- sending threatening letters, 9948.
- attempting to extort money, 9949.
- by railroad companies forbidden; penalty, 4753.
- forfeiture by railroad company for, 4757.

EXTRADITION.

- See Fugitive from Justice.

FACTOR.

- defined, 6145, 6369.
- authority, 6370.
- ostensible authority, 6371.
- cannot pledge, mortgage or barter principal's property, 6370.
- lien by, 6867.
- must obey instructions, exception, 6146.
- may give usual term of guarantee, 6147.
- liability under guarantee commission, 6148.
- how agreement to credit releases, 6149.

FACTORIES.

- doors to swing out, 2905.
- width of doors in, 2995.
- to be provided with fire escapes, 2977.
- power of cities to regulate the carrying on of manufactories as dangerous in causing and promoting fires, 3599 (48).
- cities under commission form of government, 3818 (41).
- of villages, 3861 (3).

FAIRS.

§ 1. State.

- location and object, 1847.
- at Grand Forks, conditions required for state appropriation, 1848.
- at Fargo, conditions required for state appropriation, 1849.
- custody and control of fair grounds at Grand Forks, 1850.
- custody and control of fair grounds at Fargo, 1851.
- governor and attorney-general to accept title to land for the state, 1852.
- state not responsible for debts and liabilities, 1852.
- title to fair grounds revert to original owners, when, 1852.
- accounts, how audited, 1853.
- board of directors,
 - appointment, 1852.

INDEX.

(References are to sections.)

FAIRS — (continued).

board of directors — (continued).

executive committee, 1853.

treasurer to give bond, 1854.

— penalty, 1855.

appropriations for, 1856, 1857.

§ 2. State fair at Mandan.

provisions for establishment, 1860.

title to ground to be conveyed to state, 1861.

conditions to be complied with to entitle the state appropriation, 1861.

custody and control of fair grounds, 1862.

title reverts to original owner upon failure of state appropriation, 1863.

state not responsible for debts incurred, 1863.

board of directors,

members, 1863.

executive committee, appointment and duties, 1864.

general appropriation, conditions, 1865, 1866.

§ 3. County.

right to establish in certain counties, 1867.

duty of county commissioners to aid, 1867.

tax for aid of, 1867, 1868, 1869.

annual report, 1868.

only one fair association in each county to receive money for county, exception, 1870.

failure to hold fair operates as forfeiture of county aid, 1871.

officers and directors of fair association personally liable for misappropriation of funds, 1871.

treasurer to give bond, 1872.

directors of fair association to require treasurer to give bond; penalty, 1872, 1873.

question of continuance of county tax for aid of county fair to be submitted to voters, 1874.

duty of fair organization to notify commissioner of agriculture as to time they propose holding fair, 1875, 1876.

§ 4. Corporations.

powers of, 5110.

board of directors, organization of, 5112.

liability of stockholders, 5113.

may hold real property; limitation, 5114.

debts limited, 5115.

income and expenses, 5116.

property of, as exempt from taxation, 2078.

FALSE FLAX.

as noxious weed, 2900.

FALSE IMPRISONMENT.

limitation of action for, 7377.

FALSE PERSONATIONS AND CHEATS.

false personations prohibited, when, 9964.

receiving money while falsely impersonating another, 9965.

personating officer, misdemeanor, 9966.

wearing badges, prohibited, when; penalty, 9967.

obtaining signatures or property by false pretences, how punished, 9968.

— for charitable purposes, 9969.

obtaining name or property by use of false token of banking company or corporation, how punished, 9970.

— when check is false token, 9971.

INDEX.

(References are to sections.)

FALSE PERSONATIONS AND CHEATS — (continued).

mock auctions, 9972.
evidence necessary to conviction of, 10842.

FALSE PRETENCES.

obtaining money by, 9968-9972.
requisite proof of, to sustain conviction, 10842.

FALSE STATEMENTS.

relative to registration of voters, misdemeanor, 9267, 9268.
regarding taxes, 9848.
by newspapers to increase circulation, misdemeanor, 9788.

FALSIFYING.

falsification of evidence, see Evidence, § 9.

FAMILY.

desertion and non-support of, see Non-support.

FARMERS' INSTITUTES.

held when, 1878.
board of directors,
duties, in general, enumerated, 1878.
members, 1877.
compensation, 1879.
appropriation, 1880.

FARMING.

taxation for promotion of diversified, 2263-2265.

FARM LABOR.

lien for, see Liens, § 11.

FARM NAMES.

registration of, authorized, 5553, 5556.

FARMS.

injury to farm buildings, how punished, 10083-10087.
gates or bars on inclosed farm to be closed, 10088.
notice to be posted, 10089.
private roads, 10090.
penalty, 10091.

FEAR.

what necessary in robbery, 9524.

FEEBLE MINDED.

marriage of, prohibited, 4373.

FEEBLE MINDED, INSTITUTION FOR.

See Insane, State Hospital for: Incompetent Persons.
under management of state board of control, 243.
location of, 1709.
board of trustees of, 1710.
term of office, 1711.
duties of board, 1712-1720.
appointment of superintendent, 1713.
who may receive benefit of school, 1714.

INDEX.

(References are to sections.)

FEEBLE MINDED, INSTITUTION FOR — (continued).

inmates of school may be deported, when, 1715.
duties of officers, 1716.
payments required, 1717.
proceeding to charge county, 1718.
payments, how applied, 1719.
officers to report when, 1721.
compensation of board, 1722.
introduction of intoxicating liquor into, prohibited, 10174.

FEEDING STUFFS.

See Concentrated Commercial Feeding Stuffs.

FEEES.

See Salaries and Compensation.

§ 1. *In general.*

duty of officers to keep schedule of fees posted in a conspicuous place, penalty for neglect, 3549.
right of certain officers to require fees to be paid in advance on security given, 3549.
record of and monthly report by certain state officers, 638.
time for covering fees and profits arising from state officers into state treasury, 639.
taking of unlawful, by officers, misdemeanor, 9307.
disposition of fees for affidavits relative to sale of intoxicating liquor, 10102.

§ 2. *Of state officers.*

of secretary of state, 129.
of commissioner of insurance, 173.
of state treasurer for registering bonds, 153.
of state engineer, 8244.
of notary public, 3529.
— for protest of commercial paper, 841.

§ 3. *Of county officers.*

of register of deeds, see *infra*, § 12.
of sheriff,
in general, 3514.
for making sales for unpaid taxes, 2178.
in tax judgment sales, 2336.
for carrying out judgment of death, 10977.
of coroner, 3527.
of county treasurer,
for certified abstract of title to real estate, 3345.
for state land collections, 328.
of auditor in reference to tax deeds, 2209.
as clerk of sale of public lands, 307.
of county commissioners in proceedings for division of counties or change in county line, 3220.
of county surveyor,
in general, 3532.
for replacing section corner monuments, 4289.
of county appraisers, 300.
of commissioners of insanity, 2565.

§ 4. *Elections and election officers.*

of election officers, 1045.
of officers and witnesses in election contests, 1088.
for filing petition at primary election, 853.
by candidate for legislative assembly, to whom payable, 884.
of county and legislative candidates for primary election, 854.
of nominee in primary elections in city, 894.

INDEX.

(References are to sections.)

FEES — (continued).

- § 5. *Of examiners, inspectors and appraisers.*
- of state examiners, 225.
 - for examining building associations, 5136.
 - in reference to investment companies, 5235.
 - for examination of banks, 5179.
 - for examination of corporations under control of state banking board, 5179.
 - of state board of veterinary medical examiners, 2715.
 - for examining warehouse and establishing uniform system of accounting, 3134.
 - for bar examinations, 786.
 - of oil inspector, 3070.
 - of inspectors of hotels, 2992-2993.
 - of inspector of weights and measures, enumerated, 3002.
 - for inspection of nursery stock, 2828.
 - of live stock inspector, 2759.
 - of appraisers of tubercular cattle, 2704.
 - of appraisers of homestead, 5619.
- § 6. *In judicial proceedings.*
- of court interpreters, 3545.
 - in garnishment proceedings, 9065.
 - in condemnation proceedings, 8215.
 - in matters of estrays, 3541.
 - of officers to be indorsed on process, 3517.
 - for summoning counsel in preliminary examination, 10595.
 - for serving notice in action for damages by trespassing animals, 2627.
 - for service of summons in justice's court, 9024.
 - of referee,
 - in general, 3528.
 - for trial, 7645.
 - for taking affidavit of motion, 7943.
 - of supreme court, 728.
 - of marshals of supreme court, 738.
 - of clerk of district court,
 - in general, 3498.
 - for recording and indexing papers, 3498.
 - for recording certificate of dentist, 511.
 - for filing and indexing mechanics' lien, 3498.
 - for filing and docketing transcript of judgment from another county, 3498.
 - for filing and docketing transcript of judgment from justice's court, 3498.
 - for filing of naturalization papers, 3498.
 - for entering satisfaction of lien, 3498.
 - for entering satisfaction of judgment, 3498.
 - for certifying transcript of judgment, 3498.
 - for certifying an abstract on real property as to judgments and liens, 3498.
 - for certifying the record on appeal to the supreme court, 3498.
 - for issuing commission to take depositions, 3498.
 - for collecting delinquent taxes, 2177.
 - in tax judgment sales, 2333.
 - of clerk of the county clerk with increased jurisdiction, 8958.
 - of juvenile court, 11426a.
 - of justice of the peace,
 - in general, 3530.
 - for selling estrays, 2866.
 - for abstract of judgment, 9109.
 - of attorney in anti-trust proceedings, 9963.
 - of court stenographer, 7848.
- § 7. *Of jurors.*
- in general, 3534.

INDEX.

(References are to sections.)

FEES — (continued).

- in police court, 3660.
- in village justice of the peace court, 3928.
- § 8. *Of witness.*
 - in general, 7877, 7881.
 - per diem and mileage of witness, 3535.
 - of witness in confinement, 10623.
 - in supplementary proceedings, 7787.
 - in action against railroad company, 4794.
 - before board of railroad commissioners, 4764.
 - for attending inquest before coroner, 3409.
- § 9. *For publication of notices.*
 - of printer to be paid in advance, 7767.
 - legal rate for publication of notices required by law, 3540.
 - for publication of proposed amendment to constitution, 3190.
 - for publication of notice of chattel mortgage sale, 8132.
 - for publication of list of government licenses, 10150
- § 10. *By corporations.*
 - for articles of incorporation, 4509.
 - for filing articles of incorporation of fraternal associations, 5026.
 - for increase stock of corporation, 4510.
 - for filing annual report of corporation, 4518, 4523.
 - for filing statement of mining corporation, 4990.
 - by insurance companies, 4929.
- § 11. *For licenses.*
 - for warehouse license, 3108.
 - for keeping public storehouse, 3138.
 - to operate cold storage warehouse, 3150.
 - for ticket agent, 4675.
 - for hawkers and peddlers, 3030.
 - for transient merchant, 3036.
 - for fire sale merchant, 3039, 3040.
 - of druggist for privilege of selling liquor, 10096.
 - for practitioner in optometry, 528.
 - for public accountant, 556.
 - for registration of motor vehicle, 2976g.
 - for marriage license and record, 4364.
 - for teacher's certificate, 1376.
 - for veterinarian certificates, 2715.
 - for license and inspection of stallions, 2772.
- § 12. *For recording.*
 - of clerk of district court, see *supra*, § 6.
 - for recording and re-recording brands, 2605, 2606.
 - of register of deeds,
 - in general, 3511.
 - for recording town and city plats, 3949.
 - for recording mining certificate, 2458.
- § 13. *Miscellaneous.*
 - of police magistrate, 3622.
 - of attorneys left to agreement, 7789.
 - for making town and city plats, 3949.
 - for approving bond of notary public, 3498.
 - for examination and approval of bond of commission merchant, 3624.
 - of police officers for making arrests outside of the city limits, 3665.
 - of railway police, 10590.
 - of railway employees acting as peace officers, 4811.
 - of constable, 3531.
 - for making and certifying to abstracts of title, 3097, 3099.

INDEX.

(References are to sections.)

FEES — (continued).

- of physician for making examination of applicant for license to marry, 4377.
- of local registrars of vital statistics, 453.
- of commissioner of deeds, 610.
- of township supervisors in establishing partition fences, 4315.
- of city engineer for furnishing copies of plans and specifications and estimates of public improvements, 3703.
- for leases of public land, 363.
- for registration of farm names, 5554, 5556.
- for importation of oil, how paid, 3060.
- of census enumerators, 1901.
- for use of dipping station, 2783.
- for proceedings to kill glandered animals, 2734.
- for the transportation of prisoners and patients, 3515.
- of officers executing orders relative to reform school, 11286.
- of officer executing order of recommitment to reform school, 11294.

FEIGNED ISSUES.

- abolished, 7357.

FELLOW SERVANT.

- See Master and Servant, § 7.

FELON.

- disenfranchised, when, 9264.

FELONY.

- See generally, Crime.
- as used in section on murder, defined, 9197, 9463, 10387.
- as a crime, 9196.
- principals to, who are, 10705.
- accessory to, how prosecuted, 10707.
- duty of officer on arrest for, 10543.
- arrest for, when may be made, 10560.
- other than murder, limitation of prosecution, 10521.
- for officer of insolvent bank to receive deposit, 5176.
- defendant to be present,
 - at arraignment, 10709.
 - at trial, 10771.
 - on rendering of verdict, 10877.
 - on pronouncement of judgment, 10926.
 - on appeal, unnecessary, 11012.
- punishment of, generally, 9204.
- conviction of, as grounds of divorce, 4380.
- conviction of, works disenfranchisement, 9254.
- compounding, punishment, 10706, 10707.
- indemnity against commission of, void, 6643.

FEMALES.

- when of age, 4335.
- word in masculine gender in chapter on taxation to include, 2074.

FENCES.

§ 1. In general.

- legal fences defined, 4294, 4295.
- wire fences declared legal fences, 4295.
- placed on highway to protect hedge, when, 1944.
- notice to party to remove when highway is laid out, 1932.

INDEX.

(References are to sections.)

FENCES — (continued).

in stock districts, when sufficient and lawful,
how constructed, 2623.
liability of owner of stock breaking through, 2624.
about school grounds, 1205.
when railroads required to erect, 4646.
notice from owner of land, 4647.
liability of company, 4648.
injuring, punishment for, 10064.
obstructing highway with barb wire, how punished, 10098.
gates in, 10088-10091.

§ 2. Partition fences.

boundary fences to be maintained by whom, 5358.
duty of adjoining owners to maintain; penalty for neglect, 4296-4298.
provision for settlement of controversies as to rights of respective occupants in partition fences, 4299.
liability for failure to maintain, 4300.
right of persons erecting whole fence to recover from adjoining occupant, 4302.
liability of occupant of uninclosed grounds where they are afterwards inclosed for cost of partition fences previously erected, 4309.
to be kept in repair throughout the year, 4303.
right to remove, 4308.
record of division line, 4312.
penalty for neglect of duty by supervisors with respect to partition fences, 4313
fees of supervisor for duties performed in establishing partition fences, 4315.
civil actions for failure to build, 4317.
division, rights relative to as easement, 5330.
powers of cities to regulate, 3599 (45).
regulations in cities under commission form of government, 3818 (38).
county commissioners to act as fence viewers in counties not divided into civil townships, 4316.

FERRIES.

See Highways.
unlawful without lease, 2062.
to be two miles apart, 2062.
duty of county commissioner to grant ferry license, 2063.
rates on ferriage, 2064.
ferries in unorganized counties, 2065.
safety of ferry boats, 2066.
penalty for unlawful ferrying, 2067.
money from ferry leases to go to school fund, 2068.
temporary ferries, 2069.
forfeiture for not maintaining ferries, 2070.
semi-annual report as to condition of, 4752.
may be constructed and maintained by wagon road corporations, 4824.
right to take property by eminent domain for, 8263.
violation of ferry bond, misdemeanor, 9778.
running without license, misdemeanor, 9777.

FERTILIZATION.

dealers must affix certificate on packages, contents, 2890.
what deemed violation of fertilizer law, 2891.
conditions of statute to be complied with before sale, 2892.
sale of certain fertilizers prohibited, 2893.
penalty for violation of article, 2894.
certificate of chemist as presumptive evidence of facts therein contained, 2895.
what constitutes violation of fertilizer law, 2896.

INDEX.

(References are to sections.)

FERTILIZATION — (continued).

director of experiment station to enforce provisions of fertilizer law, 2397.
appropriation to enforce law of inspection, 1624.

FICTITIOUS NAME.

fictitious, how and when may be used, 6426.

FIDELITY BOND.

See Bonds, Official.

FIDELITY INSURANCE COMPANIES.

See Insurance Companies, § 10.

FIELD OFFICER.

duties of, as to parole prisoners, 10943-10949.

FIGHTING.

powers of cities to prevent, 3599 (44).

FINANCES.

in cities, see Cities, § 26; Commission Form of Government for Cities, § 17.

in villages, see villages, § 19.

in towns, see Towns, § 9.

in townships, see Townships, § 18.

in counties, see Counties, § 11.

FINDER.

law governing found property, 2669.

appropriation of lost property as larceny, when, 9914.

See also Deposit, § 8.

FINDINGS.

of facts to be stated separately, 7639.

when prepared by parties, 7641.

how waived, 7640.

in action to quiet title, 8153.

FINES.

See, generally, Penalties.

as punishment for crime, 9195.

may be added to imprisonment, 10348.

judgment for, lien on realty, 10941a.

imprisonment for, until paid, 10941.

execution on judgment for, 10962.

to be paid into county treasury, 10380.

collected under penal code to go to school funds, 10380.

payment of, in criminal action in justice's court, 9162.

judgment for, against corporations in criminal actions, 11086.

for Sabbath breaking, how collected, 9243.

for violation of game and fish law, deposit of, 10284.

for neglect to appear to pay road tax or labor, 2021-2025.

for driving over bridge faster than a walk to be imposed only when notice is posted, 2060.

for false report by sheep inspector, 2753.

for failure to brand cattle, 2635.

for failure to comply with food stuff law, 2915.

for adulterating feeding stuffs, 2917.

INDEX.

(References are to sections.)

FIRE.

§ 1. *In general.*

power of state to require service at, 7.
refusing aid at, 9776.
compensation to person reporting fires, 222.
chief of fire department to report fires to fire marshal's department, 204.
duty of fire marshal to investigate, 205.
wilfully setting fire to prairies and marshes, 9774, 9775.
setting fire to buildings, grain, hay, etc., when punishable, 10059.
liability of railroad for damages from, 4654.
removal of prisoners, in case of, 11344.

§ 2. *Power of municipalities as to fire prevention.*

power of cities to regulate and prevent the carrying on of **manufactories dangerous in causing and promoting fires**, 3599 (48).
power of cities to prescribe fire limits and prohibit the erection of wooden buildings, 3599 (47).
power of cities to provide for the construction, regulation and removal of buildings when considered dangerous, 3599 (48).
power of cities to erect firehouses and provide fire apparatus, 3599 (49).
regulations affecting fires and establishment of fire companies in villages, 3861 (3).

§ 3. *Prairie fires.*

setting of, forbidden, 2791.
fire committee, when, 2792.
accidental damages when person setting fire liable, 2793.
grasshopper destruction, 2794.
fire for grasshopper destruction limited, 2795.
penalties, 2796, 2797.
liability of person setting fire for damages, 2798.
proof necessary to sustain claim for damages for setting prairie fires, 2799.
tools and appliances to be provided for fighting prairie fires, 2800.
county divided into fire districts, 2801, 2804.
fire breaks, how made, 2802.
fire breaks, when to be made, 2803.
legal fire break, how constituted, 2805.
when prairie may be set on fire, 2806.
railroad company to burn weeds, 2807.
liability for carelessly setting fires, 2808.
setting fire to prairie misdemeanor, 9774, 9775.

FIREARMS.

unlawful discharge of, 9825.
furnishing to minors, prohibited, 9804.
as to regulations affecting the discharge of **firearms in villages**, 3861 (3).
use of silencer on, 9771.
sale of silencer, prohibited, 9772.
penalty, 9773.
See also Weapons.

FIRE ASSOCIATION.

See North Dakota Firemen's Association.

FIRE BREAKS.

See Fires, § 3.

FIRE DEPARTMENT.

See Fires, § 2.

INDEX.

(References are to sections.)

FIRE ESCAPE.

- to be provided in hotels, factories, public halls, etc., 2977.
- penalty for neglect, 2978.
- on hotels, how constructed, 2980.
- on school houses, 1201-1203.
- power of cities to provide for the construction of, 3599 (46).
- regulations affecting the construction and inspection of, in cities under commission form of government, 3818 (39).

FIRE EXTINGUISHERS.

- in hotels, 2981.

FIRE INSURANCE.

- See Insurance, and particularly § 4; Insurance Companies.

FIRE MARSHAL DEPARTMENT.

- department created,
 - officers; oath of office, bond, term, 201.
 - salaries, 213.
 - neglect of duty, penalty, 212.
 - duty of officers,
 - in general enumerated, 202.
 - of chief assistant, 203.
 - to investigate fire, 205.
 - to furnish prosecuting attorney information as to the cause of fires, 205.
 - as to abatement of dangerous conditions, 206.
 - order for correction of dangerous conditions, 207.
- appeal from building regulations and orders, 208, 209.
- service of notice as to regulations upon non-residents, 210.
- insurance companies to report losses, 211.
- investigation of fires, duty of state's attorney to assist, 219.
- compensation to officers reporting fires, 222.
- rules for prevention of fires, 215.
- records,
 - of all fires occurring in the state, 204.
 - records to be published, 218.
- reports to governor, 221.
- account of expenses, 217.
- tax on fire insurance companies to maintain department, 216.
- obstructing fire marshal, misdemeanor, 206.

FIREMEN.

- members of, exempt from jury duty, 814.
- obtaining money by falsely impersonating firemen, 9966.

FIREMEN'S ASSOCIATION.

- See North Dakota Firemen's Association.

FIRE PROTECTION.

- duty of state board of control to provide for, 263.

FIRE SALE MERCHANT.

- See Merchant, Transient.

FIRE WARDEN.

- See Fires, § 3.
- appointment of, 2801.
- duty of, in construction of fire breaks, 2802.
- duties of fire warden in villages enumerated, 3894.

INDEX.

(References are to sections.)

FIRE WARDEN, FOREST.

See Fires, § 3.
county commissioners to appoint fire wardens for unorganized townships, 4291.
supervisors of civil townships to act as fire wardens, 4291.
powers and duties in general enumerated, 4292.
compensation, 4293.

FIREWORKS.

power of cities to regulate and restrain the use of, 3599 (50).
power of cities under commission form of government to regulate and prevent use of,
3818 (45).
regulations affecting the use of fireworks in villages, 3861 (3).
manufacture, use or sale of firecrackers, misdemeanor, when, 9746.

FIRST OFFENDERS.

leniency for, 10959.

FISCAL YEAR.

defined, 632.
when to commence and end, 7318.
of city organized under general law, defined, 3676.

FISH.

See Game and Fish.

FISH COMMISSIONER.

See Game and Fish, § 4.

FISH HATCHERY.

establishment, 1887.
appropriation, 1888.

FISHING.

See Game and Fish.
right of fishing as easement, 5330, 5331.

FISHWAYS.

maintaining of, see Game and Fish, § 10.

FIXTURES.

tenant may remove, when, 5472.
defined, 5251.
of railroads, defined, 4623.
larceny of, 9924.

FLAG.

description of state, 1915.
desecration of, how punished, 10232.
meaning of flag, 10233.
chapter not applicable, when, 10234.
penalty, 10235.
display on buildings of state institutions, time, 1820.
regulations in city under commission form of government, 3818 (13).
regulations affecting the flying of flags in villages, 3861 (11).
judicial notice of foreign flags, 7938.

FLAGMEN.

See Railroads, § 8.

INDEX.

(References are to sections.)

FLAGMEN — (continued).

- power of the city to require railroad companies to keep flagmen at railroad crossings, 3599 (27).
- regulations for the maintaining of flagmen at street crossings in cities under commission form of government, 3818 (21).

FLAX.

- rate of taxation of, 2256.

FLAX SEED.

- weight of bushel of, 3006.

FLIES.

- food producing establishments to be protected against, 2963, 2965.

FLORENCE CRITTENDEN HOME.

- declared a state charitable institution, 1423.
- annual appropriation, 1424.

FLOUR.

- as to provisions affecting the sale of, in cities, 3599 (38).
- cities under commission form of government, 3818 (29) (31).

FOOD.

- for regulations of dairy products, see Dairy Products.

§ 1. *In general.*

- definition of, as used in sanitation of food producing establishments act, 2963.
- to be sold by weight, measure or count, 3010.
- adulteration of, 9765.
- wilfully mixing poison with, punishment, 9706.
- knowingly selling tainted, 9767.
- power of cities to provide for and regulate inspection of, 3599 (38).
- power of cities to provide for the place and manner of sale of, 3599 (36).
- regulations affecting the sale of food in cities under commission form of government, 3818 (28-31).
- of inmates of penitentiary, 11221.

§ 2. *Sanitation of food producing establishments.*

- to what places article applies, 2962.
- contents and utensils of food producing places to be protected, 2963.
- walls and ceilings to be kept clean, 2964.
- fly screens required, 2965.
- toilet rooms to be provided in food producing establishments, 2966.
- cuspidors to be furnished, 2967.
- food producing establishment not to be used for sleeping purposes, 2968.
- persons suffering from certain diseases not to be employed, 2969.
- food inspector to abate violations of act, when, 2970.
- penalty for violation of act, 2971.

§ 3. *Pure food law.*

- adulteration and misbranding of foods and beverages prohibited, 2879.
- adulteration, what constitutes, 2880.
- penalty for adulteration, 2881.
 - duty of state's attorney, 2882.
 - North Dakota experiment station to inspect and analyze food, 2883.
 - citizen may have food or beverage analyzed, 2884.
 - analysis, facts developed by submitted to state's attorney and attorney-general, ~~2286~~
 - certificate of analysis to be presumptive evidence of facts therein contained, ~~2286~~
 - station to make county report, 2288.

INDEX.

(References are to sections.)

FOOD — (*continued*).

duty of sheriff on presentation of complaint for violation, 2288.

compensation of sheriff, 2288.

no action in court to be maintained for sale made in violation of article, 2289.

§ 4. *Duties of food commissioner.*

in respect to cold storage plants, 3150, 3154.

to make rules and regulations relative to sanitary condition of cold storage goods, 3159.

as to false and misleading advertising, 9990.

to enforce snuff law, 10182.

§ 5. *Provisions of penal code.*

adulterating and selling adulterated food, misdemeanor, 10206.

selling of calf less than four weeks old, prohibited, 10207.

— meat may be seized, 10208.

— magistrate may issue warrant, procedure, 10209.

FOOD COMMISSIONER.

See Food, § 4.

FOOD STUFFS.

See Concentrated Commercial Food Stuffs.

FORAGE.

experiments with, 1628.

FORCE.

degree used to protect personal rights, 4356.

homicide by, justifiable when, 9502.

degree of, in robbery immaterial, 9523.

using or advising, to obtain possession, 9822.

FORCIBLE ENTRY AND DETAINER.

measure of damages for forcibly ejecting or excluding a person from the possession of real property, 7175.

misdemeanor, when, 9822.

returning to land after removal, 9823.

in justice's court,

when maintainable, 9069.

notice to quit, 9070.

legal representative may sue, 9071.

no joinder of action, 9072.

counterclaim, 9072.

— stay of appeal, 9167.

— judgment in, 9104.

— execution in action of, 9121.

FORECLOSURE.

of mortgage, see Mortgage.

of land contract, see Land Contract.

of liens, generally, 6878.

of mechanic's lien, 6825.

of lien on mine, 6841.

of lien for service of sire, 6850.

of pledged property, 6795.

FOREIGN.

defined, 4834.

use of fictitious name by foreign partnership, 6427.

INDEX.

(References are to sections.)

FOREIGN BILL OF EXCHANGE.

defined, 7013, 7014.

measure of damages for dishonor of foreign bills of exchange, 7148.

see, also, *Negotiable Instruments*.

FOREIGN CORPORATIONS.

See *Corporations, Foreign*.

FOREIGN INSURANCE COMPANIES.

See *Insurance Companies*, § 15.

FOREIGN LAW.

how proved, 7910.

FOREIGN SHIP.

See *Ships and Shipping*.

defined, 5440.

FOREIGN WILL.

See *Wills*.

FORESTRY, SCHOOL OF

object of school, 1674.

to be managed by board of directors, 1678.

board of directors,

commission of, 1676.

oath of office of, 1676.

organization of, 1676.

meetings of, 1677.

compensation of, 1677.

accounts, how audited, 1678.

reports of board of directors, 1679.

state forester, 1679a.

state nursery, 1679b.

distribution of seeds and seedlings, 1679c.

directions for planting and assistance to be furnished, 1679d.

board of trustees authorized to lease portion of campus for student's clubhouses or dormitories, 1738.

requests for state appropriation to show needs of institution, 1740.

portion of state fund raised by taxation, 1745.

FORESTS.

appropriation for national forest reserve, disposition of, 1950a.

FORFEITURE.

§ 1. *In general.*

repeal of statute does not release from, 7316.

relief from forfeiture, when granted, 7138.

compensation as a relief from forfeiture, 7138.

specific or preventive relief cannot be granted to enforce a forfeiture, 7188.

conditions involving, strictly interpreted against beneficiary, 5777.

of property not worked by conviction of crime, 10354.

contract for, of property subject to lien in satisfaction thereof, lien, 6710.

place of trial for recovery of, 7415.

limitation of action for, 7376, 7377, 7380.

absolute exemptions only allowed in execution for, 7743.

§ 2. *In particular cases.*

for usury, 6076.

INDEX.

(References are to sections.)

FORFEITURE — (continued).

of insurance policy, notice required for, 6518.
of animals used for racing, 9688.
of estate, for waste, 8167.
of weapons found on person convicted of crime, 11096.
of bail, 11125.

§ 3. *Of office.*

for exercising duties of office without qualifying, 9300.
as punishment for crime, 9195.
for stealing, mutilating, etc., of public records, 9363.
by members of legislative assembly, 9335.
for asking or receiving bribes, 9304.
by judicial officer receiving bribes, 9340.
by officer making appointment for reward, 9313.
by officer buying demand for suit, 9415.

§ 4. *Of franchise.*

for commercial discrimination, 3053.
of charter, permit or license for unfair competition, 3044.
of banking franchise, 6178.
when franchise of bridge company is forfeited, 4997, 4998.
in not maintaining ferries, 2070.

§ 5. *Actions to recover.*

what forfeitures recoverable in civil actions, 8014.
by whom action brought, 8015.
procedure, 8016.
complaint for forfeited goods, 8017.
assessment of amount of, 8018.
what judgment shall direct, 8019.
forfeiture by ordinance, 8020.
to whom are moneys collected paid, 8021.
justice of the peace to pay forfeiture to whom, 8022.
property forfeited to the state, 8023.

FORGED INSTRUMENT.

offering for record, 9365.

FORGERY.

in first degree, defined, 9882.
— public securities, 9883.
second degree, defined,
public and corporate seals, 9884.
records and official returns, 9885.
false entries in record, 9886.
false certificates, 9887.
false plates, 9888.
— when plates deemed imitation, 9889.
selling forged instruments, 9890.
— having same in possession, 9891.
issuing false certificate, 9893.
reissuing cancelled certificates, 9894.
issuing false evidence of debt, 9895.
counterfeiting coin, 9896.
— counterfeiting coin for export, 9897.
in third degree, defined,
forging process of court, 9898.
making false entries in public books, 9899.
forging passenger tickets, 9900.

INDEX.

(References are to sections.)

FORGERY — (continued).

- in third degree, defined — (continued).
 - forging United States stamps, 9901.
 - making false entries in corporate books, 9902.
- in fourth degree, defined,
 - having in possession forged or counterfeit instruments, 9892.
 - false entries of corporate officers, 9893.
 - having in possession counterfeit coin, 9894.
- “writing” and “written” defined, 9911.
- substituting fictitious name to instrument, 9912.
- effect of forged signature on negotiable instrument, 6908.
- sufficiency of indictment or information for, 10699.
- what proof of, necessary, 10862.
- punishment of, 9905.
- forgery in specific cases,
 - of order on wolf bounty fund, 2656.
 - uttering forged instrument or coin, punishment; exception, 9906, 9907.
 - of trade-marks, 9711.
 - signing own as name of another, 9908.
 - indorsing own as name of another, 9909.
 - erasures and obliterations of instruments as, 9910.

FORMS.

§ 1. In general.

- of certificate of acknowledgment of instrument, 5574.
- docket of county court, 8541.
- of life insurance, 6635.
- of marriage license and certificate, 4363.
- of numerical indexes required to be kept by register of deeds, 3333.
- of warrant book to be kept by county treasurer, 3349.
- application for admission to hospitals for insane, 2560.
- verification of claims against state, 658.
- of assignment by county of right to unredeemed lands, 2327.
- of warrant for seizure of personalty for foreclosure of lien, 8139.
- of affidavit to obtain liquor from druggist, 10098.
- of application for reimbursement for tubercular cattle killed, 2705.
- of license certificate for pure bred stallion, 2770.
- enactment clause of city ordinances, 3596.

§ 2. Of oaths.

- oath of city officers, 3615.
- oath of city commissioner, 3791.
- of oath of office of assessors, 2126.
- of oath or affirmation to be subscribed to by officers whose salary is in the nature of
 - a per diem, 3551.
- of oath of claimant in insolvency proceedings, 8409.
- oath of poor debtor, 8486.
- of oath of witness, 7882.
- of oath of interpreter, 7926.
- of oath of jurors, 7618.
- of oath to foreman of grand jury, 10650.
- of oath to grand jurors, 10651.
- of oath of officer in charge of jury, 9088.

§ 3. Of bonds.

- official bond, 664.
- of bond of a guardian for a minor, 8881, 8882.
- county bonds, 2451.
- county building bonds, 2462.

INDEX.

(References are to sections.)

FORMS — (continued).

- § 4. *Of mortgages.*
 - of mortgage of real property, 6750.
 - of mortgage on personal property, 6756.
 - of discharge of mortgage, 6744.
 - of notice to foreclose mortgage by advertisement, 8080.
- § 5. *For real estate.*
 - of grant of real estate, 5516.
 - of covenants of realty, 5959.
- § 6. *In elections.*
 - of affidavit of absent voter, 997.
 - of application for absent voter ballot, 995.
 - of notice of election, 982.
 - of certificate of election of state officers, 1023.
 - of ballot for formation of stock district, 2618.
 - of ballots in election for adoption of commission form of government for cities, 3773.
- § 7. *In matters of taxation.*
 - of assessor's return to auditor, 2135.
 - of county auditor's certificate on tax list, 2153.
 - of assessment of property bid in for county, 2203.
 - of certificate of sale of real estate for delinquent taxes, 2192.
 - of application for judgment for unpaid taxes on property which had escaped taxation, 2299, 2300.
 - notice of filing of list of property forfeited to state for failure to pay taxes, 2308.
 - of judgment against lands sold to state or county for nonpayment of taxes, 2311.
 - notice of tax judgment sale, 2318.
 - of tax judgment sale, 2330.
 - of tax deeds, 2206.
- § 8. *In corporation matters.*
 - of corporation signature, 5515.
 - of signature of dissolved corporation, 4567.
 - of notice of assessment of stock, 4574.
 - of notice of sale of corporate stock for delinquent assessment, 4576.
 - of statement by mining corporation, 4990.
 - of notice of meeting of members of mutual insurance companies, 4871.
- § 9. *For executors and administrators.*
 - of a petition for the probate of a will, 8635.
 - of a petition for the probate of a nuncupative will, 8631.
 - of petition for letters of administration, 8659.
 - of citation upon the presentation of petition for probate of a will, 8637.
 - of decree granting or denying the probate of a will, 8645.
 - letters testamentary, 8689.
 - letters of testamentary administration, 8690.
 - letters of administration, 8691.
 - letters of guardianship, 8691.
- § 10. *For state institutions.*
 - receipt issued by state institution, 1807b.
 - expense list of state institution, 1807b.
 - checks of state institution, 1807b.
 - voucher of state institution, 1807b.
 - receipts, for orders on treasurer of state institutions, 1814.
- § 11. *In insolvency cases.*
 - of affidavit to petition in insolvency, 8353.
 - of notice of insolvency, 8368.
 - of notice of election of assignee in insolvency proceedings, 8370.
 - of certificate of discharge in insolvency proceedings, 8431.
- § 12. *Of summons.*
 - of summons generally, 7422.

INDEX.

(References are to sections.)

FORMS — (continued).

- of summons to garnishee, 7569.
- summons issued by county court of increased jurisdiction, 8944.
- of summons in justice's court, 9027.
- of summons in garnishment proceedings in justice's court, 9064.
- of summons against corporations in criminal actions, 11079.
- § 13. *In actions generally.*
 - of complaint in action to determine conflicting claims to real property, 8147.
 - of magistrate's indorsement on complaint, 10611-10614.
 - of complaint in justice's court, 9134.
 - of affidavits of garnishee denying liability, 7554.
 - of complaint in bastardy, 10483.
 - of warrant in bastardy, 10484.
 - citation issued by county court, 8549-8550.
 - of abstract of judgment in justice's court, 9109.
 - undertaking on appeal from county court, 8608.
 - of certificate of discharge of prisoner on civil process, 8488.
- § 14. *On coroner cases.*
 - of return by coroner's jury at inquest, 3411.
 - of coroner's warrant to sheriff to summon jurors for the holding of an inquest, 3407.
- § 15. *In criminal actions.*
 - of search warrant, 11134.
 - of commitment for examination, 10601, 10616.
 - of writ of habeas corpus, 11364.
 - of subpoena in criminal action, 11028, 11029.
 - of plea to information or indictment, 10747.
 - of undertaking for bail, 11122.
 - of warrant, 10536.
 - of bench warrant, 10674.
 - of bench warrant for arrest after indictment, 10713-10714.
 - of bench warrant for arrest after conviction, 10930.
 - of warrant in criminal action in justice's court, 9135.

FORMALDEHYDE.

- use of, in foods as adulteration, 2880.
- adulteration of.
 - duty of manufacturers and dealers in respect to, 2926.
 - right to sell in state, how obtained, 2927.
 - legal strength of formaldehyde, 2928.
 - duty of director of North Dakota experiment station, 2929.
 - certificate of chemist as presumptive evidence of facts therein contained, 2930.
 - duty of state's attorney, 2931.
 - what constitutes violations, 2932.

FORTUNE TELLERS.

- power of cities to license, tax, regulate and prohibit, 3599 (30).

FRANCHISE.

- forfeiture of, see Forfeiture, § 4.
- as personal property subject to taxation, 2103.
- right to take by eminent domain, 8204.
- sale of corporate, 4589.
- forfeiture of franchise of banking corporation, 5178.
- of bridge company, when forfeited, 4997.
- power of cities to grant franchises for the use of streets, 3599 (13) (24).
- cities under commission form of government, 3818 (7) (18).
- power of villages to grant franchises for the use of streets, 3861 (20).

INDEX.

(References are to sections.)

FRATERNAL ASSOCIATIONS.

See Fraternal Benefit Society.

§ 1. *In general.*

may maintain cottages at state tuberculosis sanitarium, 2590-2593.

§ 2. *Incorporation of.*

who may form corporation, 5017.

articles of incorporation,
contents of, 5018.

to be acknowledged, 5019.

may contain provisions for government by grand lodge, 5024.

liability of members, 5020.

term of existence, 5021.

by-laws,

power to enact, 5022.

corporation governed by by-laws, 5023.

§ 3. *Status and organization of unincorporated.*

fraternities and associations deemed corporations, 5025.

charter; filing and fees, 5026.

by laws,

copy to be filed with secretary of state, 5027.

— failure to comply, penalty, 5028.

duration of, 5029.

powers of,

in general, 5030.

to acquire real or personal property, 5031.

to make contracts and investments, 5032.

membership, how fixed, 5033.

officers of, 5034.

organization of board of directors or trustees, 5035.

debts of, property liable for, 5036.

debts, private property not liable for, 5037.

not to issue stock, 5038.

not to declare dividends or divide property, 5039.

charter, when revoked or suspended, 5040.

service of process, how made, 5041.

application of chapter, 5042.

FRATERNAL BENEFICIARY ASSOCIATIONS.

See Fraternal Benefit Society.

organization of, 5043.

societies already organized to continue, 5044.

business may be conducted in state, 5045.

certificate of authorization to be formed, 5046.

to make annual report, 5047.

report. what to contain, 5047.

when principal office is not in state,

mode of conducting business, 5048.

insurance commissioner to issue permit, 5049.

articles of incorporation to be filed, 5050.

paid agents, when employed, 5051.

certain contracts made by, void, 5052.

benefits not liable to attachment, 5053.

must show mortuary assessment rate, 5054.

how governed, 5055.

false statement in reference to application for membership, penalty, 5056.

penalty for refusal to make statement, 5057.

penalty for failure of agent to comply with requirements of article, 5058.

INDEX.

(References are to sections.)

FRATERNAL BENEFIT SOCIETIES.

See Fraternal Association.

definitions,

fraternal benefit societies, 5059.

lodge system, 5060.

representative for, of government, 5061.

exemption from application of insurance laws, 4852, 5061a.

benefits, provisions for paying, 5062.

beneficiaries, 5063.

qualifications of membership, 5064.

benefit certificate, 5065.

funds,

funds, how held, disbursed and invested, 5066.

investments, 5066.

distribution of funds, 5068.

organization of, how perfected, 5069.

existing societies, powers retained by; re-incorporation, 5070.

mergers and transfers, 5071.

annual license, 5072.

place of meeting, location of office, 5075.

admission of foreign, 5073.

commissioner of insurance to act as attorney for service of process, 5074.

officers and members not personally liable for benefits, 5076.

waiver of provisions of constitution and by-laws prohibited, how, 5077.

benefits not attachable, 5078.

amendment of,

by-laws, 5079.

constitution, 5079.

annual reports, contents of, 5080.

alternative provisions for insuring future securities of benefits, 5081, 5082.

examination of domestic societies as to stability, by commissioner of insurance, 5083.

application for receiver, how made, 5084.

examination of foreign societies by commissioner of insurance, 5085.

no adverse publication affecting beneficial status pending examination, 5086.

revocation of license by commissioner of insurance, when, 5087.

exemption of certain societies from application of article, 5088.

taxation of, 5089.

penalty for false statements relative to application for membership in, 5090.

FRATERNAL CORPORATIONS.

See Fraternal Associations.

FRAUD.

in conveyance, see Fraudulent Conveyance.

as avoiding contract, see Contracts.

§ 1. *In general.*

defined, 5848.

carrier cannot stipulate against, 6241.

what are frauds in insolvency, 10002.

defendant may be arrested for, 7489.

limitation of actions for, 7375.

contracts not in writing because of, enforced, 5887.

agent has no authority to commit, 6327.

allowance of interest in action for fraud in the discretion of the jury, 7143.

right of jury to award exemplary damages in addition to actual damages where defendant has been guilty of fraud, 7145.

§ 2. *Effect of, generally.*

person fraudulently dispossessing himself of thing, deemed still to possess it, 7252.

INDEX.

(References are to sections.)

FRAUD — (continued).

- things gained by, held in trust, 6230.
- when intent to defraud anyone misled, will be presumed, 5945.
- vitiates debtor's contract, when, 7217.
- marriage annulled for, when, 4368.
- contracts exempting from responsibility for, void, 5923.
- fraud in securing a will as a ground for contesting will after probate, 8649.
- effect of, on powers, 5419.
- § 3. *In particular cases.*
 - increase in weight of package of merchandise, 9764.
 - in procuring organization of corporation, 10004.
 - in causing spouse to leave home as desertion, 4383.
 - by auctioneer, 9843.
 - liability of executor or administrator for fraudulent sale of real estate of a decedent, 8804.
 - when sale of entire stock of goods fraudulent, 7224.
 - violation of article relative to trusts, as, 6287.
- § 4. *Penalty.*
 - in drawing jury, misdemeanor, 9346.
 - fraudulent use of gas as misdemeanor, 9927.
 - fraudulent use of electric current misdemeanor, 9942.
 - defrauding elector of vote, misdemeanor, 9250-9256.
 - in securing advancements for transportation by fraud, misdemeanor, 9973, 9974.
 - in limited partnership, misdemeanor, when, 9726.
 - penalty for misrepresentation as to application for membership in beneficiary association, 5056.
 - penalty for fraudulent use of transfer ticket, 4681.
 - false concealment of debtor's estate, misdemeanor when, 9423.
 - affecting market price, misdemeanor, 9787.

FRAUDS, STATUTE OF.

See Statute of Frauds.

FRAUDULENT CONVEYANCE.

- instrument made with intent to defraud, privity to fraud, effect of, 5600.
- rights of bona fide purchaser not affected by provisions as to, 5603.
- transfer with intent to defraud creditors, void, 7220.
- transfer of personalty without change of possession presumed fraudulent, 7221.
- when only may act of debtor be avoided for fraud, 7222.
- when fraudulent intent, question of fraud, 7223.
- of entire stock of goods, 7224-7226.
- misdemeanor, when, 9999.
- right of administrator or executor to maintain action to set aside conveyances made by the decedent in fraud of his creditors, 8811, 8812.

FREEHOLD.

- defined, 5309.
- injury to, misdemeanor, 10063.

FREEHOLD ESTATES.

See Property, Real, § 2.

FREE TEXT BOOKS.

furnished when, 1397-1399.

FREIGHT.

See Carriers, § 7.

INDEX.

(References are to sections.)

FREIGHTAGE.

See Carriers, § 7.
defined, 6197.
defined as to insurance, 6556.

FREIGHT COMPANIES.

within application of article regulating common carriers, 4700.
as common carriers, see Carriers.

FREIGHT LINE COMPANY.

defined, 2247.
assessment of, 2144.

FRENCH WEED.

as a noxious weed, 2817.

FRUIT.

injuring cultivated, misdemeanor, 10065.
injuring fruit in day time, 10066.
— in night time, 10067.
injuring fruit trees, 10068.

FUGITIVE FROM JUSTICE.

governor may offer reward for criminal, 11150.
delivery of fugitive upon requisition, 11151.
magistrate to issue warrant, 11152.
proceedings for arrest and commitment, 11153.
accused may be committed, when, 11154.
accused may be admitted to bail, 11155.
notice of arrest to be given to state's attorney, 11156.
duty of state's attorney, 11157.
when accused must be discharged — maintained in jail, 11158.
magistrate to make return; duty of district court, 11159.
fugitive granted twenty-four hours for counsel, 11160.
habeas corpus for relief of fugitive, 11160.
penalty for disobedience of last section, 11161.
governor may demand fugitive, 11162.
governor may appoint agent for return of fugitive; payment of agent, 11162.
costs and expenses to be paid by the state, when, 11163.
no compensation to officer for duties in regard to return of fugitive, 11164.
— violation; misdemeanor, 11165.
officer taking reward for services as to, misdemeanor, 9310.

FULL CREW ACT.

See Railroads, § 8.

FUNERAL.

disturbance of, prohibited, 9632.

FUNERAL EXPENSE.

as a preferred claim against estate of decedent, 8725, 8728, 8755.

FUNGICIDE.

See Insecticides and Fungicides.

FUTURE CONTINGENT INTEREST.

See Property, §§ 6, 7, 8, 9.

INDEX.

(References are to sections.)

FUTURE INTERESTS.

See Property, § 6.

GALLON.

cubic inches in, 3010.

GAMBLING.

keeping gambling apparatus prohibited; punishment, 9675, 9676.
apparatus a nuisance, 9677.
exacting payment of gambling debt; how punished, 9678.
no privilege to witness, 9679.
keeping place for gambling, 9680.
keeping apparatus or conveniences for gambling, 9681.
seizure of implements authorized, 9682.
summary disposition of implements, 9683.
destruction of implements, 9684.
persuading persons to visit gambling places, 9685.
duty of sheriff and officers, 9686.
duty of master of vessel, 9687.
racing of animals for wager, 9688.
minors not allowed in certain public places, 9689.
certain places of amusement not to be screened, 9690.
gambling house deemed public nuisance, 9691.
injunction; penalty for violation, 9692.
officers to take possession, when, 9693.
innocent persons may recover property, how, 9694.
contempt proceedings, 9695.
violation of injunction, how punished, 9696, 9697.
what evidence admissible, 9698.
seizure and destruction of gambling devices in villages, 3861 (6).

GAME AND FISH.

§ 1. *In general.*

terms used in chapter defined, 10275.
ownership of, in state, 10282.
state divided into districts, 10283.
disposition of funds, 10284.
of other moneys, 10285.
referees, 10286.
domesticated game, 10287.
nest of eggs to be protected, 10288.
sale of game by commission, authorized, 10319.
trespass by hunters forbidden, when, 10325.
presumption against trespasser, when, 10326.
penalty for trespass, 10327.
professional dog trainers, not to run dogs, when, 10322.
Devil's Lake, reservation, all hunting prohibited, 10323, 10324.
attempted violation of law, presumptive, 10305.
general penalty, 10321.

§ 2. *Seasons.*

seasons for killing game birds, 10297.
harmful birds, no closed season for, 10304.
harmless birds, no open season for, 10304.
muskrat, open season for, 10303.
mink, open season for, 10303.
seasons for killing deer, 10298.
beaver protected, 10317.
— beaver causing damage removed, how, 10318.

INDEX.

(References are to sections.)

GAME AND FISH — (continued).

otter, protected, 10317.

antelope protected, 10317.

§ 3. *State game and fish board of control.*

appointment, 10264.

term of office, 10264.

meetings, 10264.

compensation, 10264.

rules and regulations, 10264.

general powers enumerated, 10265.

— execution of warrants and processes, 10272.

duties of,

in general enumerated, 10265.

reports and records, 10266.

chief game warden,

appointment, compensation, term of office, duties in general, 10267.

deputy game wardens,

appointment, compensation, duties in general, 10269.

bonds, 10273.

duties enumerated, 10274.

employees in general; compensation and duties, 10269.

other officials; attorney, 10270.

sale of game by, authorized when, 10319.

exchange of specimens, 10281.

claims against game and fish funds, how verified, 10264a.

resisting board or warden, how punished, 10320.

§ 4. *Fish commissioner.*

appointment of; power of; duties of, 10268.

general powers and duties enumerated, 10307.

§ 5. *Enforcement of law.*

inspection of hotels, etc., 10276.

search for and seizure of contraband game, 10277.

contraband devices, 10278.

witnesses in prosecution, privilege, 10279.

remedies, 10280.

§ 6. *Hunting license.*

of resident, 10299.

— shipment of game, 10299.

of non-resident, 10300.

— shipment of game, 10300.

hunting without license, 10301.

§ 7. *Taking of.*

manner of taking birds or animals prescribed, 10289.

traps, snares, lines, etc., prohibited, 10290.

shooting after dark, prohibited, 10291.

use of dogs restricted, 10292.

entering growing grain prohibited, 10293.

bag limit of game birds, 10316.

number of fish to be taken, 10314.

size of fish to be taken, 10313.

manner of taking fish, 10308.

fish houses or shelter of ice prohibited, 10311.

use of drugs, dynamite, traps, etc., prohibited, 10310.

fishing near fishways prohibited, 10309.

8. *Possession of.*

game killed in another state, 10294.

possession of game and fish, presumption of violation of law, 10295.

skins, chapter not applicable to possession of, 10296.

INDEX.

(References are to sections.)

GAME AND FISH — (continued).

retaining game, permitted when, 10302.
for sale or intent to sell, prohibited, 10312.

§ 9. Propagation of fish.

planted fish protected, 10315.
fish screens to be maintained, when, 10315a.

§ 10. Protection of streams.

fishways to be provided, 10282.
deposit of sawdust in streams, misdemeanor, 10283.

GAMING.

prohibited on Sunday, 9238.

GARBAGE.

power of the city to prevent the depositing of garbage in streets or public grounds, 3599 (15).

regulations in city under commission form of government, 3818 (9).

regulations of, in villages, 3861 (11).

GARNISHMENT.

provisional remedy by, 7487.

creditors may proceed by, 7567.

affidavits for, 7568.

garnishee summoned, 7569.

service of summons and affidavit, 7570.

— to be served on garnishee and defendant, 7571.

subsequent garnishment for same debt, 7572.

discharge for complaint not served, 7573.

affidavit by garnishee denying liability, 7574.

— affidavit when liability admitted, 7575.

when judgment may be rendered against garnishee, 7576.

indebtedness paid to officer, 7577.

officer may levy, 7578.

answer,

conclusive until traversed, 7578.

answer by corporation, 7579.

defendant may defend proceedings, 7580.

proceedings deemed an action, 7581.

interpleader when had, 7582.

liability of garnishee, 7583.

when judgment not rendered, 7584.

suit by defendant against garnishee, when, 7585.

release of garnishment by defendant, 7586.

costs, 7587.

in justice's court, 9063-9068.

firemen's pension not subject to, 4004.

GAS.

personal property of gas company, where to be listed for taxation, 2097.

natural gas to be confined, 10229.

misdemeanor to leave gas wells open, 10230.

power of cities, etc., to control and establish,

to regulate rates and charges for gas, 3607-3609.

to regulate the erecting of gas lights, 3599 (13).

to regulate the laying of gas mains, 3599 (13).

to establish gas works for municipal and commercial purposes, 3599 (75).

under commission form of government to establish and regulate gas supply, 3818 (7).

to regulate laying of gas mains, 3818 (7).

as to regulation of gas mains in villages, 3861 (20).

INDEX.

(References are to sections.)

GAS — (continued).

regulations for connection with gas mains upon improvement of streets, 3740.
fraudulent consumption of, as larceny, 9927.

GAS TAR.

fouling waters with, misdemeanor, 9747.

GATES.

in farm fence, 10088-10091.

GEESE.

power to regulate and restrain running at large,
in cities, 3599 (61).
— under commission form of government, 3818 (56).
in villages, 3861 (5).

GENDER.

words used in masculine comprehend feminine and neuter, 10374.

GENERAL AVERAGE.

of loss of property by marine carrier, 6225.

GENERAL ELECTION.

See Elections.

GENERAL GUARDIAN.

See Guardian and Ward.

GEOGRAPHY.

judicial notice of, 7938.

GIFTS.

definition, 5538, 9334.
requisites of valid verbal gift, 5539.
irrevocable; exception, 5540.
educational corporations to use as specified by donor, 5013.
board of trustees of state tuberculosis sanitarium may accept, 2589.
to witness of will, when void, 5680.
in view of death,
defined, 5541.
when presumed, 5542.
revocable, 5543.
rights of purchaser, 5543.
not affected by will, 5544.
treated as legacy, as to creditors, 5545.
may be satisfied, when, 5730.
accepting from parties to litigation, misdemeanor, 9343.
accepting of, by judicial officer, misdemeanor, 9343.
members of state board of control and employees not to accept, 266.

GIN.

judicial notice of inflammable character of, 7938.

GLANDERS.

See Animals, § 6.

GLASS.

depositing, on streets unlawful, 10039, 10040.

GOATS.

See Animals.

INDEX.

(References are to sections.)

GOOD CONDUCT.

effect of, to lessen sentence in penitentiary, 11215-11218.

GOOD FAITH.

defined, 7286.

degree of, required between partners, 6396.

trustee to exercise highest, 6281.

presumed in cases of acknowledgment, 5580.

offer of performance of obligation must be made in, 5808.

claim of title as defense in embezzlement, 9938.

as defense for prosecution for violation of election law, 9291.

GOOD ROADS EXPERIMENT STATION.

establishment, purpose of, 1881.

management, 1882.

state engineer to furnish plans and specifications for highways, 1883.

warden of penitentiary to furnish convict labor, 1884.

authority to build highways, 1885.

not to expend money for the purchase of the right of way, 1886.

See also Highways.

GOODS.

defined, 9717.

attempting to conceal lost, misdemeanor, 10245.

GOOD WILL.

defined, 5465.

— as subject of ownership, 5466.

as property, 5246.

partners may not dispose of, 6404.

warranty of, implied from sale, 5986.

agreement to refrain from business, valid on selling, 5929.

GOPHERS.

See Animals, § 15a.

GOVERNMENT PLAT.

state engineer custodian of, duty to furnish copies of, 658a-658e.

GOVERNOR.

§ 1. *In general.*

organ of communication with other states, 111.

message, provisions for printing, 65.

acting governor, powers and duties, in general enumerated, 116.

official acts of, attested by secretary of state, 122.

official signature attested by secretary of state, 122.

report to legislature on state institutions, 113.

advice to, by attorney general, 157.

military staff, 2352.

salary, 117.

appropriation for clerk hire, 652.

acts forfeiting office, 9319.

receiving bribes, punishment for, 9319.

menacing members of legislative assembly, punishment for, 9319.

nominations to be made in return for votes of legislative assembly, punishment, 9330-9332.

§ 2. *Ex officio.*

member of state auditing board, 375.

auditor of costs and expenses of railroad litigation, 4763.

INDEX.

(References are to sections.)

GOVERNOR — (continued).

- as member of state board of equalization, 2141.
 - member of state banking board, 5146.
 - of board of trustees of public property, 376.
 - member of board of commissioners of school land, 284.
 - member of emergency fund commission for state institutions, 1821, 1824.
 - member of state fair associations, 1852.
 - member of state historical society, 380.
 - commander in chief of state militia, 2351.
 - members of armory commission, 2362.
 - member of board of armory supervisors, 3412.
 - member of state board of pardons, 11097.
- § 3. *Appointments to be made by.*
- in general, 111 (3).
 - vacancies occurring in office, 696, 1033, 1034.
 - county commissioners upon the organization of new county, 3206.
 - state treasurer, 140.
 - state examiner, 224.
 - inspector of hotels, 2986.
 - agent to investigate cruelty to animals, 2670.
 - oil inspector, 3057.
 - notaries public, 835.
 - fish commissioner, 10268.
 - members of board of control, 236.
 - members of game and fish board of control, 10264.
 - commission to examine as to consolidation of insurance companies, 4891.
 - superior grain and warehouse commission, 3162, 3163.
 - members of state board of commissioners, when, 1012.
 - members of livestock sanitary board, 2678.
 - members of optometry board, 526.
 - members of board of embalmers, 540.
 - members of barbers' examining board, 559.
 - members of board of veterinary examiners, 2712.
 - members of "White Stone Hill Battlefield Commission," 387.
 - to nominate a board of trustees of university, 1540, 1541.
 - members of state board of education, 1423-1424.
 - members of state library commission, 1531.
 - members of board of trustees of academy of science, 1597.
 - directors of state school of forestry, 1674.
 - board of trustees of agricultural college, 1606.
 - trustees of state hospital for the insane, 1748.
 - board of trustees of institution for feeble minded, 1710.
 - trustees of blind asylum, 1700.
 - board of trustees of school for deaf and dumb, 1681.
 - board of trustees of state tuberculosis sanitarium, 2584.
 - trustees for the soldiers' home, 1779.
 - trustees state normal and industrial school at Ellendale, 1727.
 - board of trustees of penitentiary and reform school, 11192.
- § 4. *Powers.*
- in general enumerated, 111.
 - may require opinion of supreme court judges, when, 10970.
 - as to the continuance of unexpended appropriations for state institutions, 1818.
 - in respect to expenses of state board of control, 240.
 - to call meetings of board of trustees of penitentiary and reform school, 11194.
 - to establish a uniform system of accounting, 711.
 - supervision of officers, 111.
 - to require additional bonds from state officers, 674.
 - offer rewards for escaped convict, 111.

INDEX.

(References are to sections.)

GOVERNOR — (continued).

- to declare a portion of the state in a state of insurrection, 2357.
- to call militia into service, 2353.
- to institute court marshal, 2406.
- to make rules and regulations for state militia, 2439.
- to increase the state militia, maximum numbers, 2365.
- supervision of removal of officers,
 - removal of officers, grounds, 685.
 - defaulting state and county officers, 227.
 - members of board of control, 236.
 - state treasurer, 145, 146.
 - state examiner, 224.
 - members of board of trustees of state tuberculosis sanitarium, 2584.
 - oil inspector, when, 3077.

§ 5. Duties of.

- in general,
 - to designate mother's day, 1916.
 - to print and distribute among members of legislature requests for state appropriations to state educational institution, 1741.
 - as to loaning state arms, 1560, 1561.
 - as to organization of counties, 3192.
 - to receipt to U. S. for property transferred to state, 6.
 - to have examinations of accounts of state departments, 713.
 - as to accounts of state fair associations, 1853.
 - to keep register of appointments, 112.
 - to provide for instruction of blind children, 1706.
 - to keep record of expenses and rewards offered, 112.
 - keep register of pardons, 112.
 - as member of state board of pardons, 11071-11110.
 - as to suppression of riot, 10431, 10432.
 - to offer reward for return of fugitive, 11150.
- to issue commissions,
 - to board of directors of state school of forestry, 1676.
 - to trustees of blind asylums, 1701.
 - to issue commission to members of normal board of control, 1585.
- as to financial matters,
 - as to north wing capitol bonds, 1797.
 - as to bonds issued by soldiers' home, 1791.
 - as to state contingency fund, 647, 648.
- in elections,
 - to call special election, when, 1033, 1034.
 - to proclaim result of election on constitutional amendment, 1028.
 - to proclaim result of election of presidential electors, 1028.
 - to deliver certificate of election to members of Congress, 1021.
 - to issue certificates of election to presidential electors, 1065.

GRACE.

- days of, not allowed, 7088, 7132.

GRAIN.

- weight of bushel of various kinds of grain, 2256.
- unlawful to purchase at weight different than that established by law, 3014.
- taxation of, 2256-2259.
- injuring standing, misdemeanor, 10065.
- burning, punishable when, 10059.
- grading of, at public warehouses, 3105.
- grades for, to be established by railroad commissioners, 3103.
- carriers to ship without discrimination, 4765.
- duty of railroad company to remove cars loaded with, 4786-4788.

INDEX.

(References are to sections.)

GRAND ARMY OF THE REPUBLIC.

unlawful to wear badge of, when, 9967.

commander, ex-officio member of the board of trustees of the soldiers' home, 1779.

GRAND JURY.

proceedings of, in criminal procedure, see Criminal Procedure.

See also Jurors; Jury.

in general,

defined, 10634.

how summoned, 816.

number of, 816.

manner of drawing, 824.

juror acting after challenge allowed, misdemeanor, 9420.

witnesses before, subpoenaed by whom, 11025.

accusations against public officers presented to, 10468.

duties of,

as to jails, 11311, 11312.

to examine jails, 11350.

as to false and misleading advertising, 9990.

sheriff's fees, for summoning, 3514.

fees allowed to jurors, 3534.

presentment of grand jury defined, 10657.

premature disclosure of presentment of grand jury, misdemeanor, 9434.

disclosing proceedings of grand jury misdemeanor, 9435.

GRAND LARCENY.

See Larceny.

GRANT.

definition, 5494.

effectual only on delivery, 5495.

delivery of, presumed to be at date, 5496.

creation of power by, 5394.

execution of power by, 5405.

See also Real Estate; Transfers.

GRASSES.

experiment with, 1628.

burning, punishable when, 10059.

certain grasses as noxious weeds, see Weeds.

GRASSHOPPERS.

destruction of,

duty of county commissioners as to, 2864-2868.

duty of land owner as to, 2866.

expense of plowing land to be lien upon land, 2867.

payment of expense out of general fund, 2868.

fire permitted for destruction of, 2794.

GRATUITOUS DEPOSIT.

See Deposit, § 4.

GREAT SEAL OF STATE.

custodian of, 121.

description of, to be deposited in office of secretary of state, 1911.

dimension of seal, 1912.

temporary seal, when to be used, 1913.

GROCERY.

sanitation of, see Food, § 2.

INDEX.

(References are to sections.)

GUARANTEE.

- in general,
 - defined, 6651.
 - knowledge of principal unnecessary, 6652.
- by banking corporation, when unlawful, 10010.
- creation of,
 - consideration for, 6653.
 - must be in writing, when, 6654, 6655.
 - acceptance necessary, 6655.
- continuing,
 - defined, 6666.
 - when may be revoked, 6667.
- interpretation,
 - of contract, when implied, 6657.
 - of obligation, when implied, 6658.
 - when not discharged by omission, 6659.
 - when insolvency of principal presumed from removal, 6660.
- liability of guarantors,
 - when guarantee deemed unconditional, 6661.
 - when guarantor to payment liable, 6662.
 - liability of conditional obligation, 6663.
 - limitation of obligation, 6664.
 - not liable on principal's unlawful contract, 6665.
- exoneration of guarantors,
 - when guarantors exonerated, 6668.
 - limitation, 6669.
 - guarantor once exonerated not liable, 6670.
 - part performance, partner exonerated, 6671.
 - mere delay not exoneration, 6672.
 - liability of guarantor indemnified, 6673.
 - guarantor not exonerated by discharge of principal by law, 6674.

GUARDIAN AD LITEM.

See Guardian and Ward, § 3.

GUARDIAN AND WARD.

§ 1. Relationship in general.

- definition of terms,
 - guardian, 4451.
 - ward, 4452.
 - general guardian, 4454.
 - special, 4455.
- guardians classified, 4453.
- how guardians of children appointed by will or deed, 4456.
- no parent or other person to exercise power over property of child unless appointed as, 4457.
- of dependent and neglected children, 11410.
- jurisdiction of county court,
 - to appoint guardian, 4458, 8525, 8527.
 - over settlement of accounts of guardians, 8524, 8525.
 - to remove guardians, 8525.
- who may act as guardian,
 - persons incompetent to act as guardians, 8682.
 - clerk of county court disqualified to act as guardian, 8520.
- may be appointed, of property of non-resident, when, 4459.
- court appointing has exclusive control of, 4460, 4469.

INDEX.

(References are to sections.)

GUARDIAN AND WARD — (continued).

- rules governing appointment of,
 - in general, 4461.
 - preference in appointments of, 4462.
 - form of letters of guardianship, 8692.
 - form of oath of guardian, where filed, 8684.
 - powers of,
 - in general, 4463.
 - of guardian of the person, 4464.
 - of guardian of the property, 4465.
 - relationship between guardian and ward confidential, 4466.
 - joint guardianship, power of survivor, 4468.
 - discretion of the court as to the appointment of more than one guardian, 8924.
 - causes of removal of, 4469.
 - how power of parental guardian is superseded, 4470.
 - when power of court guardian is suspended, 4471.
 - ward may settle account, when, 4472.
 - powers of ward on attaining majority, 4472.
 - appointed by the court, when entitled to discharge, 4473.
- § 2. *Bonds of guardian.*
- amount of bonds, how determined, 8685.
 - form of bond, 8685.
 - bond of guardian to run to the state of North Dakota as nominal payee, 8925.
 - of guardian of minor, 8881, 8882.
 - of guardian of insane person, 8888.
 - of guardian of non-resident, 8915.
 - bond upon receiving authority to sell or mortgage real estate, 8686.
 - right of court to require separate bond from each of several, 8688.
 - procedure to compel guardian to file a new or additional bond, 8693-8695.
 - procedure for the release of sureties on guardian's bond, 8696.
 - bonds to be filed and preserved in the office of the county judge, 8921.
 - right of any person injured by a violation of the bond to maintain an action thereon, 8925.
 - limitation of action against the sureties of a guardian's bond, 8922.
- § 3. *Special guardian.*
- effect of Probate Code upon right of the courts to appoint a guardian ad litem, 8885.
 - infant must appear by, 7399.
 - appointment of special, 7399.
 - how appointed, 7400.
 - special, for person of unsound mind, 7401.
 - security of guardian, 7402.
 - special guardian to represent minors and incompetent persons in county court. 8501-8564
- § 4. *Guardians of minors in general.*
- procedure for the appointment of guardian of minor, 8874.
 - right of minor to nominate his own guardian, 8875, 8877.
 - powers and discretion of the judge of the county courts as to the appointment of guardian, 8875-8877.
 - right of father or mother to be appointed to guardianship of minor, 8878.
 - custody of minor, 8879.
 - custody of minor ward, 8880.
 - bond of guardian for a minor, 8881, 8882.
 - right of guardian to use the property of the minor for his education and maintenance where the minor has a father living, 8883.
 - powers and duties of testamentary guardian, in general, enumerated, 8884.
- § 5. *Guardian of insane or incompetent persons.*
- procedure for the appointment of a guardian for an insane or incompetent person, 8886, 8887.
 - powers of guardian in general enumerated. 8888.
 - bond, 8888.

INDEX.

(References are to sections.)

GUARDIAN AND WARD — (continued).

- care and custody of the person of his ward, 8888.
- procedure to have fact of restoration to capacity judicially determined, 8889.
- procedure for the appointment of guardians for habitual drunkards, in county court, 8890.
- § 6. *Guardian for non-resident ward.*
 - procedure for the appointment of guardians for non-resident wards, 8913.
 - powers of guardian, in general, enumerated, 8913, 8914.
 - bond, 8915.
 - right to remove property from the state, procedure, 8916, 8917.
 - effect of orders for removal of property of estate, 8918.
 - discharge, 8918.
- § 7. *Provisions governing relationship in general.*
 - railroad right of way over lands of ward, 8232-8234.
 - foreign, discharge of mortgage by, 6747.
 - deposits by, in savings banks, 5200.
 - service of process on guardian, 8552.
 - necessity of presenting claim before bringing action for the recovery of money against guardian, 8799.
 - effect of reversal of decree or order of the county court upon acts done in pursuance thereof, 8622.
 - procedure for the discovery of property of ward, 8919.
 - punishment for contempt for refusal or wilful neglect to obey decree or order of the county court, 8588.
 - punishment of guardian for contempt for failure to obey order or decree of county court as a bar to an action against the guardian or the sureties on his bond in relation to the same matter, 8580.
 - fees of county court on appointment of guardian how paid, 3503.
 - what force may be used in protection of ward, 4356.
- § 8. *Powers and duties of guardians.*
 - in general enumerated, 4463, 4465.
 - of testamentary guardian enumerated generally, 8884.
 - of guardian of insane person enumerated generally, 8888.
 - of guardian of non-resident ward, 8913, 8914.
 - as to payment of debts of the ward, 8891, 8892.
 - appear for and represent ward in all legal suits and proceedings, 8892.
 - guardian to bring action of waste, when, 8167.
 - collect all accounts and debts due the ward, 8892.
 - rules for the management of the estate of the wards, 8893.
 - right to sell the real estate of the ward, 8893.
 - may consent to partition without action, 8067.
 - duties as to the maintenance, support and education of the ward, 8894.
 - duty to file inventory within three months after appointment, 8895.
 - procedure to compel guardian to render an account of the estate, 8895.
 - annual account, 8895, 8896.
 - account by one of two or more joint guardians, 8897.
 - compensation and allowance for expenses, 8898.
 - duty of guardian residing out of the state to appoint an agent in the state, 8674.
- § 9. *Sale of property.*
 - procedure for the sale of property for the maintenance and education of the ward when a minor, 8899.
 - procedure for the sale of property of the ward for investment in other property, 8900-8907.
 - duty of giving bond upon receiving order to sell property of the ward, 8908.
 - applicability of law governing proceedings for the sale of property of decedents, 8909.
 - order of court for the sale of real property continues in force one year after granting the same, 8910.
 - terms of sale, security for purchase money, 8911.
 - order for the indorsement of proceeds realized from sale of ward's property, 8912.

INDEX.

(References are to sections.)

GUARDIAN AND WARD — (continued).

- duty of guardian as to the application of purchase money upon the sale of land subject to a mortgage or lien, 8786.
- limitation of action for the recovery of property sold by a guardian, 8923.
- § 10. *Termination for guardianship.*
 - marriage of minor as termination of guardianship, 8920.
 - procedure for the discharge of a guardian, 8920.
 - when power of paternal guardian supersedes, 4470.
 - when power of court guardian suspended, 4471.
 - ward's power on majority, 4471.
 - when court guardian discharged, 4472.
- § 11. *Removal.*
 - grounds for the removal of a guardian in general, enumerated, 4469, 8698.
 - removal for failure to file a new or supplementary bond, 8695.
 - for failure to file a new bond, 8695.
 - procedure for the removal of a guardian, 8699-8701.
 - power of the court to suspend the powers of the guardian or enjoin him from doing any specific act, 8702.
 - right of guardian to discharge upon final settlement of account, procedure, 8703, 8704.
- § 12. *Liability of guardian.*
 - for trust funds invested in corporation, 4554.
 - liability of guardian for costs against ward, 7805.
 - measure of damages for wilful detention of real estate by guardian, 7167.
- § 13. *Crimes against ward.*
 - sexual intercourse with ward, felony when, 9577.
 - abduction of ward, forbidden, 4355.

GUEST.

- of hotels, etc., to be apprised of the use of oleomargarine, etc., 2860.
- what force may be used in protection of, 4356.
- duty of guest at hotel as to property, 6038.

GUIDE POSTS.

- duty of townships to erect and maintain guide posts on highways, 4247.
- injuring or removing, misdemeanor, 10042.

GUN COTTON.

- judicial notice of the explosive character of, 7938.

GUN POWDER.

- judicial notice of the explosive character of, 7938.
- power of cities to regulate and prevent the storage of, 3599 (50).
- power of cities under commission form of government to regulate and prevent storage of, 3818 (45).
- keeping in city or village, misdemeanor, 9745.
- keeping unlawfully, causing death, 9497.

GYMNASIUM.

- public gymnasium in cities, 4016-4018.
- provisions for the erection of in cities under commission form of government, 3818 (74).

HABEAS CORPUS.

§ 1. *In general.*

- purposes of writ in general, 11359.
- issue for witness, how, 11399.
- for purpose of giving bail, 11376.
- use of, to restrain person from being taken out of jurisdiction, 11385.
- execution of warrant, 11386.

INDEX.

(References are to sections.)

HABEAS CORPUS — (continued).

- return of warrant, procedure, 11387.
- when person must be discharged, 11388.
- who may prosecute writ, 11359.
- insane persons entitled to, 2564.
- who not entitled to, 11360.
- time given to apply for writ, when, 11160, 11161.
- writ not allowed to delay trial, 11391.
- prisoners not to be removed from one prison to another, 11392.
- sheriff's fees for executing writ of habeas corpus, 3514.
- original jurisdiction of supreme court to issue writ of, 7339.
- § 2. *Application for writ.*
 - contents and verification, 11361.
 - by what court granted, 11362.
 - granted when, 11363.
- § 3. *Writ.*
 - to whom directed, 11364.
 - form of, 11364.
 - manner of serving writ, 11365.
 - when may be served, 11389.
 - penalty for refusal of officer to execute and return, 11366.
 - writ of, returnable before whom, 7340.
 - hearing, 11370.
 - return may be controverted, proofs, 11371.
 - not to be disobeyed for defect of form, 11382.
 - issued in discharge of bail, 11399.
 - expenses of execution, paid how, 11399.
- § 4. *Return.*
 - what return must set forth, 11367.
 - party restrained must be brought in, 11368.
 - exception, 11369.
- § 5. *Procedure.*
 - when person appears to be guilty, 11375.
 - procedure when person not entitled to discharge, 11377.
 - prisoner may be ordered to custody of proper officer, 11378.
 - custody of prisoner pending judgment, 11379.
 - notice of proceedings to be given to state's attorney, when, 11380.
 - expenses where person deemed out of county, 11381.
 - issuance of writ for witness or for discharge of bail, 11399.
- § 6. *Discharge of person restrained.*
 - when discharge must be granted, 11372.
 - causes for discharge, 11373.
 - informal commitment not granted, 11374.
 - re-arrest, 11383.
 - order of discharge, how enforced, 11384.
 - for want of prosecution, 11390.
- § 7. *Penalties.*
 - for refusal of judge to issue writ, 11393.
 - for removing or concealing prisoner to avoid writ, 11394.
 - for re-arresting on same charge, 11396.
 - penalty inures to person aggrieved, 11397.
 - concealing persons entitled to, misdemeanor, 9733.
 - assisting such concealment, misdemeanor, 9734.
 - re-confining persons discharged by, punishment for, 9732.
 - penalty if officer refuses prisoner copy, 11395.
 - all penalties to inure to person aggrieved, 11397.
 - recovery of penalty not bar to civil action, 11398.

INDEX.

(References are to sections.)

HABITUAL DRUNKARDS.

- state's right to restrain, 7.
- treatment of, 3164.
- method of procedure, 3164.
- duties of county commissioners, 3165.
- drunkard defined, 3166.
- county to be reimbursed, when, 3167.
- marriage of prohibited, 4373, 4374.
- drunkenness as grounds of revoking barber's license, 570.
- procedure in the county courts for the appointment of guardian, 8890.

HABITUAL INTEMPERANCE.

- as ground for divorce, 4385.

HACKMEN.

- power of cities to license, tax and regulate, 3599 (31).

HAIL INSURANCE.

- See Insurance Companies, §§ 12, 13; see also Insurance, Department of **Hail**.

HALF BLOOD.

- relatives of, take by succession when, 5752.

HANDWRITING.

- when proof of, of parties to conveyance may be taken, 5571.
- of signature to conveyance, when to be proved, 5571.

HARD CIDER.

- defined, 10106.
- intoxicating liquor, 10105.

HARD LABOR.

- imprisonment in penitentiary is at, 10967.
- sentence of imprisonment at, 11331, 11334.

HARE'S EAR MUSTARD.

- as noxious weed, 2900.

HAWKERS AND PEDDLERS.

- license required, 3028.
- how obtained, 3029.
- fee for, 3030.
- county auditor to grant license, 3031.
- contents of license, 3032.
- revenue from license, how disposed of, 3033.
- penalty for violation of act, 3034.
- exception from application of act, 3035.
- peddling without license, how punished, 9704.
- power of the city to license, tax, regulate and prohibit, 3599 (30).
- licensing taxes and regulations in cities under commission form of government, 3818 (22).
- licenses, taxes and regulations affecting hawkers in villages, 3861 (4).

HAWKS.

- no closed season for, 10304.

HAY.

- cubic measure of ton of, 3007.
- weight to be marked on bale of, 9763, 9764.

INDEX.

(References are to sections.)

HAY — (continued).

- power of board of university and school land to permit cutting, 348.
- not to be cut on school land before July 1st, 347.
- power of cities to regulate the inspection, weighing and measuring of, 3599 (39).
- as to regulations for the inspection and weighing of, in cities under commission form of government, 3818 (32).
- burning, punishable when, 10059.

HEADLIGHTS.

- See Railroads, § 14.

HEAD OF FAMILY.

- defined, 5626.
- husband is, 4408.

HEALTH.

See also Contagious Disease.

§ 1. In general.

- vaccination required, 425.
- violation of health laws, penalty, 433.
- power of cities as to health regulations in general, 3599 (59), 3818 (53-54).
- jurisdiction of city council for the purpose of enforcing health and quarantine ordinances and regulations, 3595.
- powers and duties of health commissioner in cities under commission form of government, 3820-3827.
- regulations in cities under commission form of government, 3818 (6).
- power of cities under commission form of government to provide and enforce quarantine regulations, 3818 (53).
- regulations for public health in villages, 3861 (4).
- penalty for violating laws relating to, 433.
- violation of laws relative to, 9754.
- violation of orders of health officers, 9753.
- appropriation to enforce sanitary inspection law, 1624.

§ 2. Boards of.

- state,
 - membership,
 - appointment, 397.
 - qualification, 397.
 - term of office, 397.
 - compensation of, 401.
 - expenses of, 401.
 - meetings, 399.
 - vacancies, how filled, 403.
 - president and secretary of, members ex officio of state board of embalmers, 540.
 - superintendent,
 - appointment of, 397.
 - duties of, 398.
 - report of, 402.
 - general duties and powers of, 400.
 - to remove county superintendent of public health, 404.
- county,
 - establishment of, 404.
 - membership of, 404.
 - duties of, in general, 405, 407, 413.
 - to inspect school houses, when, 1186.
 - reports, when, 405.
 - meetings, 406.
 - expenses, how paid, 407.

INDEX.

(References are to sections.)

HEALTH — (continued).

county — (continued).

- officers, compensation of, 409.
- expenses of, 409.
- county superintendent of health,
 - qualifications of, 404.
 - removal of, 404.
 - powers and duties of, 408.

city,

- commissioner of public health in cities under commission form of government
 - intrusted with powers and duties of health boards, 3820.

how constituted, 411.

health officers,

- qualifications of, 412.
- duties of, 412.
- salary of, 412.
- bond of, 412.

local,

county and city boards of health to be known as, 413.

employment of persons authorized by, 431.

duties of,

- in general, 413.
- to make sanitary regulations, 414.
- to disinfect school houses, 415.
- to issue permit for removal of dead bodies, when, 424.
- to establish quarantine, 428.

regulations to be published, 416.

violation of sanitary regulations, 414.

nuisances, may abate, 417-420.

diseases to be reported to, 421-423.

report of contagious disease to, by boarding-house, lodging-house or hotel keeper, 422.

removal of sick or dead with permit, from, 424.

children from infected house restrained from school, 426.

hospital temporarily established, 429.

clothing infected, may be destroyed by, compensation, 430.

expenses incurred by, how met, 431, 432.

in township and villages,

how constituted, 4175.

powers in general enumerated, 4176.

to provide hospital for sick and infected persons, 4184.

penalty for violation of rules and regulations, 4176.

publication of notice of order and regulations, 4177.

penalty for refusal to obey orders for removal of nuisance, 4178.

proceedings for the abatement of nuisance, 4179.

— where entry to premises refused. 4180, 4181.

quarantine of infected person, 4182-4184.

§ 3. Duties of health officers, generally.

to inspect toilet rooms, 4661.

to enforce snuff law, 10182.

when child is born blind, 3171.

as to false and misleading advertising, 9990.

§ 4. Vital statistics.

establishment of bureau of, 434.

collection of, 434.

vital statistics, where to be kept, 434.

state registrar, secretary of state board of health to act as, 434.

bureau of, employees in, 435.

registration districts to be formed, 436.

INDEX.

(References are to sections.)

HEALTH — (continued).

- local registrars, duties of, 437.
- sub-registrars, duties of, 437.
- record of births,
 - registration of birth, 438.
 - certificate of birth, when and by whom to be filed, 446.
 - certificate of birth, form of, 447.
 - — supplemental report giving name of child, 448.
 - certified copy of record of, fees for, 454.
- record of deaths,
 - registration of still-born children, 440.
 - form of death certificate, 441.
 - death without medical attendance, duty of undertaker, 442.
 - certified copies of record of births or deaths, fees for, 454.
- regulation of burials,
 - undertakers, general duties of, 443.
 - regulation of burial, 439.
 - burial permit, form of, 444.
 - duty of sexton as to burials, 445.
 - generally, see Burial.
- other regulations,
 - enforcement of law, who chargeable with, 456.
 - penalty for failure to comply with law, 455.
 - fees of registrars, 453.
 - duty of local registrars to correct returns, 452.
 - blanks and forms to be furnished by state registrar, 451.
 - hospitals to keep record, 450.
 - registration of physicians, midwives and undertakers, 449.

HEALTH OFFICER.

See Health, §§ 2, 3.

HEALTH OR ACCIDENT INSURANCE.

See Insurance, § 3; Insurance Companies, §§ 8, 9.

HEAT.

rights relative to, as easement, 5330.

HEDGE.

protection of, by fence in highway, 1944.

HEIRS.

See generally, Succession.

- remainder limited to, construction of, 5322.
- may revive and enforce judgment, when, 7407.
- term not necessary in will to devise fee, 5697.
- words of inheritance not requisite in transfer, 5507.
- special proceedings for the establishment of the right of heirship to real property, 8675-8681.

HEMP.

- power of cities to regulate and prevent the storage of, 3509 (50).
- power of cities under commission form of government to regulate and prevent storage of, 3818 (45).

HERD LAW.

See Animals, § 7.

as to driving livestock, see Animals, § 10.

INDEX.

(References are to sections.)

HEROIN.

any product containing, must be labeled, 2942.

HIGH SCHOOL INSPECTOR.

See Schools and School Districts, § 20.

HIGH SCHOOLS.

See Schools and School Districts, § 19.

HIGHWAYS.

See Bridges; Ferries; Good Roads; Experiment Station.

as to general powers of cities over streets, see Cities, § 6; Commission Form of Government, § 2.

as to general powers of villages over streets, see Villages, § 13.

as to improvements in cities, see Cities, § 21; in villages, see Villages, § 17.

as to road overseer in townships, see Townships, § 12.

§ 1. *In general.*

as used in motor vehicle law, defined, 2076a.

public roads defined, 1918.

what roads are, 1919.

section lines considered public roads when, 1920.

as county and township lines, 1940.

settlers to have same rights as freeholders, 1941.

damages, where highway is laid out on public lands, 1942.

claims of occupants of public lands, 1943.

hedges, may be protected, 1944.

bounty for planting trees along, 2814.

repairs, petition for, 1947.

tolls not to be taken on public, 4825.

right of way of persons performing military duty, 2428.

guide posts to be erected and maintained by townships, 4247.

power of township to purchase, lease and dispose of road machinery, 4269.

construction of bridges and culverts where drain crosses highway, 2482.

§ 2. *Title to.*

twenty years' use gives title to, 1918.

when adjacent owner owns to center of, 5353.

title to center of, included in transfer of land bounded by, 5524.

right of way, as breach of covenant of warranty, 5960.

§ 3. *Law of the road.*

vehicles to turn to the right, 2051.

penalty for violation of law of the road, 2052.

drunken drivers, 2053.

unlawful not to hitch passenger team, 2054.

passenger conveyance, liability of owner, 2054a.

§ 4. *Duty of state engineer.*

to prepare plans, 1983.

compensation; fees, 1984.

to furnish information, when, 1990k.

§ 5. *Highway commission.*

members, 602.

duty of state engineer, 603.

organization, meetings, 603.

attorney-general counsel for commission, 605.

duties,

in general, enumerated, 604.

to give suggestions concerning highway constructions, 606.

§ 6. *Road duties of township supervisor.*

supervisors to have care of roads, 1977.

INDEX.

(References are to sections.)

HIGHWAYS — (continued).

- report of labor performed on roads, 1978.
- township board may purchase tools for use on highway, 1979.
- purchase of road machine, 1980.
- responsibility of overseer for road instruments, 1981.
- storage of implements, 1982.
- § 7. *County superintendents of highways.*
 - appointment of, 1990a.
 - compensation of, 1990a.
 - terms of office of, 1990a.
 - bonds of, 1990a.
 - deputy superintendents, 1990b.
 - compensation of, 1990b.
 - purpose of article, 1990c.
 - duties of,
 - in general, 1990a.
 - examination and inspection of work on highways, 1990d.
 - moneys raised and expended, 1990e.
 - employment of engineer or surveyor, 1990f.
 - penalty for neglect of duty, 1990g.
 - adoption of rules and regulations, 1990h.
 - annual meeting, 1990i.
 - report of county superintendent, 1990j.
 - duties of state engineer, 1990k.
 - officers and employees not to be interested in contracts, 1990l.
 - to enforce motor vehicle law, 2976s.
- § 8. *Township overseers.*
 - appointment of, 1990m.
 - ex officio deputy superintendents of highways, 1990n.
 - road labor of taxpayers, 1990p.
 - expenditure of road taxes, 1990q.
 - taxes for road fund, 1990o.
 - duties of, in general, 1985.
 - to fill or cover abandoned mines or wells, 2001.
 - in respect to dead animals, 2697b.
 - to destroy weeds, 1986, 2002.
 - when weeds cut by owners how paid for, 1987.
 - bills of overseers, how ordered, 1988.
 - when overseer is to be appointed, 1989.
 - notice of appointment by supervisor, 1990.
 - work upon road to proceed at once, 1990r.
- § 9. *Road supervisors.*
 - road districts to be created, 1959, 3217.
 - appointment of supervisors, 1959.
 - duties of road supervisors, 1960.
 - as to noxious weeds, 2819.
 - road poll tax, 1961.
 - notice to be given to person subject to road labor, 1962.
 - penalty for neglect to pay road tax, 1963.
 - supervisor to make complaint, 1964.
 - duty of justice on complaint made, 1965.
 - proceedings to collect tax, 1966.
 - execution, 1967.
 - supervisors not to excuse payment. 1968.
 - road tax work when, 1969.
 - work certified for tax, 1970.
 - board to expend tax, how, 1971.
 - tax levy to pay road supervisor, 1972.

INDEX.

(References are to sections.)

HIGHWAYS — (continued).

- obstruction in highway, 1973.
- penalty for obstructing highway, 1974.
- report of road supervisor, 1975.
- penalty for refusal to serve as road supervisor, 1976.
- § 10. *Funds and taxes for, generally.*
 - county road funds,
 - how levied and collected, 1945.
 - how expended, 1946.
 - taxes for road fund, 1990o.
 - amount, 1961.
 - penalty for neglect to pay tax, 1963.
 - proceedings for collection of tax, 1964-1967.
 - road warrants to be received in payment of taxes, 3356.
 - road tax work, when, 1629.
 - electors may vote sums of money for road work, 2151.
 - all property subject to taxation for road purposes, 2007.
 - motor vehicle money to be used on, 2976n-2976p.
 - inmates of penitentiary may be employed on, when, 11272.
 - state's right to require persons to labor upon highways, 7.
- § 11. *Highway labor and road tax.*
 - meeting of township supervisors to estimate and assess highway labor and road tax, 2004, 2005.
 - township clerk to deliver overseer's estimate of road tax to supervisors, 2005.
 - who liable for labor on road, 2006.
 - levy of road tax, what to contain, 2006.
 - highway tax list, 2007.
 - copy of list to be given to overseers, 2008.
 - overseers to make corrected list, 2009.
 - notice to all persons assessed, 2010.
 - obstruction on highway to be removed by person liable to poll tax, 2011.
 - rate per diem for road labor when fixed by electors, 2012.
 - rate per diem for road labor, when supervisors to fix, 2013.
 - rate per diem for road labor, when county commissioners to fix, 2014.
 - minimum rate, 2015.
 - computation of road taxes, 2016.
 - computation of road labor, 2017.
 - payment of computation money, 2018.
 - power of overseer to require team or cart, 2019.
 - persons assessed may procure substitute, 2020.
 - fine for person who refuses or neglects to appear as required by overseer, 2021.
 - when overseer shall make complaint, 2022.
 - duty of justice on complaint, 2023.
 - fine and collection thereof, 2024.
 - fine disposed of, how, 2025.
 - overseer cannot excuse person for road tax, 2026.
 - compensation of overseers, 2027.
 - overseer to return tax list, 2024.
 - refusal or neglect to deliver tax list, 2029.
 - township clerk to make delinquent list, 2030.
 - amount of work to be done prior to August 1st, 2031.
 - report of road overseers,
 - when to be made, 2032.
 - contents of, 2032.
 - overseer to pay over money, 2030.
 - penalty to overseer for refusal to render account, 2034.
- § 12. *Proceedings for opening, vacating or changing.*
 - before whom proceedings brought, 1921.

INDEX.

(References are to sections.)

HIGHWAYS — (continued).

- county commissioners may condemn and purchase right of way when, 1922.
- petition for laying out, altering or discontinuing roads,
 - by whom to be filed, 1923.
 - what to contain, 1923.
 - copy of, to be posted, 1924.
- notice to all parties to be given, 1925.
- what deemed to be notice, 1925.
- examination of proposed highway, 1925.
- proceedings when road is laid out, altered or discontinued, 1927.
- order for, competent evidence of regularity, 1928.
- damages for, how ascertained, 1929.
- when damages not allowed, 1930.
- determination final for one where, 1931.
- notice to party to remove fences, 1932.
- notice to road supervisors, 1933.
- repairs of highways across railroads, 1934.
- appeals,
 - bond on appeal, 1936.
 - filing, rate, costs, etc., 1937.
 - when appeal taken to district court, 1938.
 - duty of board when appeal is sustained, 1939.
 - vacation of streets and alleys, procedure, appeal, 3688.
- § 13. *Survey.*
 - survey for, 1947.
 - payments for, how made, 1948.
 - warrants to be used by county auditor, 1949.
 - compensation for surveyor, 1950.
- § 14. *Right of way for highways.*
 - over Devil's lake, 2048.
 - across military ground, 2049.
 - over Des Lacs lake, 2050.
- § 15. *Roads in or adjacent to cities.*
 - powers of cities in regard to, 2035.
 - power of city to improve, 3702.
 - improvement by city, plans, specifications and estimate, 3703.
 - laying out and improving of highways and streets in cities under commission form of government, 3818 (5).
 - disposition of road taxes collected in incorporated cities, towns or villages, 4050.
 - grades adjoining cities, establishment of, 2036.
 - improvement of roads leading to cities,
 - procedure, submission of question to voters, notice of election, 3747.
 - funds for improvement, how arranged, 3748.
 - funds for improvement, how expended, 3749.
 - roads on line of city or village,
 - location, alteration or discontinuance of, 2046.
 - laws applicable, 2047.
- § 16. *Watering places on.*
 - watering troughs, bounty for, 2038.
 - wells or springs, bounty for, 2039.
 - proceeding to furnish watering places, 2040.
- § 17. *Wagon road corporations.*
 - in general,
 - contents of articles of incorporation of road construction company, 4506.
 - wagon roads, how laid out, 4822.
 - map filed, report of approval, 4823.
 - wagon road corporation to build bridges and ferries, tolls, 4824.
 - personal property of, where to be listed, 2098.

INDEX.

(References are to sections.)

HIGHWAYS — (continued).

- in general — (continued).
 - roads belonging to road companies, as personal property, 2098.
 - injuring of, what constitutes, 4830.
 - how revenue is to be applied, 4831.
 - when mortgage valid, 4833.
 - applicability of article where road is constructed by private individual, 4833.
- tolls,
 - mode of charge, 4824.
 - no tolls where public highway is used, 4825.
 - tolling rates posted, 4826.
 - passage prevented until tolls paid, 4827.
 - penalty for receiving illegal tolls, 4828.
 - passing around toll-gate; penalty, 4829.
- § 18. *Construction or improvements of roads by private associations.*
 - roads may be repaired by private association, 1991.
 - application for permission to repair highway, 1992.
 - names to be given to roads, 1993, 1994, 1995.
 - improvement by private association not to exclude public improvement, 1996.
 - guide boards or markings not to be removed or destroyed, 1997.
 - work by private association not to become public charge, 1998.
 - articles to be construed liberally, 1999.
- § 19. *Ditches for draining highways.*
 - proceeding for, 2041.
 - bounty for extra ditch, 2042.
- § 20. *Cattle ways under.*
 - may be constructed, when, 2043.
 - failure to keep in repair, 2044.
 - regulation to be prescribed, 2045.
- § 21. *Abandoned coal mines and wells.*
 - duty to cover or fill abandoned mines and wells, 2000.
 - duty of highway overseers as to abandoned mines and wells, 2001.
- § 22. *Duty of railroads as to.*
 - railroads to maintain crossings, 4621.
 - railroads to maintain clear passage over, 4622.
 - railroads making alterations in, to provide temporary ways, 4639.
 - railroads to sound bells and whistles at, 4632.
 - railroads to maintain signs at crossings, 4641.
- § 23. *Restriction in use of.*
 - racing upon, 9790.
 - penalty for obstructing highways, 2037.
 - punishment for leaving teams unhitched on, 2054.
 - drunken driver not to be employed, 2053.
 - use of railroad as, prohibited, 10046, 10047.
- § 24. *Malicious injury to.*
 - malicious injury or destruction of, felony, 10037.
 - obstruction; barb wire fences, 10038.
 - depositing glass on, 10039, 10040.
 - injury to toll house or gate, 10041.
 - injury to mile boards or guide posts, 10042.

HIRING.

- of real property, see Landlord and Tenant.
- in general,
 - defined, 6079.
 - products belong to hirer, 6080.
 - hirer entitled to quiet possession, 6081.
 - degree of care to be used by hirer, 6082.

INDEX.

(References are to sections.)

HIRING — (continued).

in general — (continued).

- hirer to repair all injuries, 6083.
- hirer to use only for purpose of letting, 6084.
- hiring terminated by letting, when, 6085.
- hiring terminated by hirer, when, 6086.
- when terminated,
 - in general, 6087.
 - when terminated by death, 6088.
 - proportionate hiring to be paid, 6089.

personal property,

- obligations of letter of personalty, 6100.
- hirer bears ordinary expenses, 6101.
- rights of hirer if letter fails in obligations, 6102.
- return of thing hired, 6103.
- charter party, 6104.

HISTORY.

judicial notice of, 7938.

HITCHING POST.

at school houses in rural districts, 1207.

HOLIDAYS.

- what days are, 7297.
- when following day holiday, 7298.
- business days, what are, 7299.
- act due on holiday performed next day, 7299.
- to be observed in public schools, 1382.
- terms of court falling on holidays to commence next day, 771.
- court not open on, 7338.
- admission of persons to bail on, 7338.
- jurisdiction of magistrate on, 7338.

HOLY GRASS.

as noxious weed, 2900.

HOMES FOR ORPHANS.

See Orphans, Homes for.

HOMESTEAD.

§ 1. *In general.*

- defined, 5605.
- “homestead estate” and “youngest” as used in chapter, defined, 5628.
- head of family defined, 5626.
- effect of sale of, 5625.
- how secured, 5606.
- may be devised subject to homestead estate, 5632.
- conveyance of, how made, 5517, 5608.
- award of, as alimony, 4406.
- mechanic's liens on building on, 6824.
- limitation of actions relative to, 5609, 5610.

§ 2. *Declaration of.*

- who may make, 5621.
- how executed and acknowledged, 5622.
- contents, 5623.
- must be recorded, 5624.

INDEX.

References are to sections.)

HOMESTEAD — (continued).

§ 3. Exemptions of.

- exemption in general, 5605.
- exempt from execution, 7730.
- when subject to execution and sale, 5607.
- exemption of, in insolvency proceedings, 8393.
- how far exempt from debt of decedent, 5631, 8723.

§ 4. Effect of death of holder.

- descent and distribution of home entries, 5627.
- ascertaining and setting off homestead after death of owner, 5629.
- procedure in general, 5629.
- of county court, 5630.
- determination of heirs and devisees of deceased entrymen, 8157.
- procedure, 8158.
- possession and occupancy of homestead after death of the holder, 8723.
- appraisement and setting apart homestead of decedent, 8724.
- procedure upon objections to the inventory and appraisement of the homestead of a decedent, 8726.

§ 5. Appraisal and sale.

- when appraised, 5611.
- application for appraisal, 5612.
- petition filed, 5613.
- appointment of appraisers; oath; duties, 5614.
- report of judge, 5615.
- when to be divided, 5616.
- when sold, 5617.
- proceeds of sale, 5618.
- disposition of proceeds of sale, 5618.
- fees of appraisers, 5619.
- proceeds of sale exempt, 5620.

§ 6. Conveyance of, in case of insanity.

- application to court, 5633.
- requisites of petition, 5634.
- notice, on whom and how served, 5635.
- order of sale recorded, 5636.
- court may direct disposition of fund, 5637.
- appeal, 5638.
- validity of conveyance, 5639.

HOMICIDE.

- classification of homicides, 9458.
- degrees of murder, 9468, 9469.
- of manslaughter, 9471.
- definitions,
 - homicide, 9457.
 - murder, 9462.
 - felony as used in definition of murder, defined, 9463.
 - degrees of murder defined, 9469.
 - manslaughter, 9470.
 - manslaughter in first degree defined, 9488.
 - manslaughter in second degree defined, 9491.
 - killing not murder or manslaughter unless death occurs within one year, 9500.
- various acts causing death, degree of crime,
 - murder in second degree,
 - homicide in forcibly taking mine, 9487.
 - arson causing death, 9499.

INDEX.

(References are to sections.)

HOMICIDE — (continued).

various acts causing death, degree of crime — (continued).

manslaughter in first degree,

abortion, 9489.

— by administering drugs; instruments, 9490.

causing death by spring gun, when, 9498.

manslaughter in second degree,

owner of mischievous animal killing human being, 9492.

negligently navigating vessel; overloading, 9493.

racing steamboat, 9494.

negligence of stationary engineer, 9495.

act of physician while intoxicated causing death, 9496.

keeping gunpowder or other explosives, 9497.

killing in duel,

killing in duel, murder in second degree, 9482.

seconds and surgeon at duel, guilty of manslaughter, 9483.

killing in duel without state, murder, second degree, 9484.

— seconds and surgeon guilty of manslaughter, first degree, 9485.

— former conviction or acquittal as a defense, 9486.

jurisdiction of, 10517.

limitation of prosecution, 10520, 10521.

petit treason, abolished, 9460.

confidential or domestic relation as determining moral quality of act, 9461.

inference of design to effect death, when, 9464.

when design to effect death may be formed, 9465.

act imminently dangerous to others, murder, in absence of design to effect death, 9467

corpus delicti, how proved; confession, 9459.

burden of proving circumstances in mitigation or in excuse upon defendant, 10860.

justifiable or excusable,

when excusable, 9501.

by officer, when justifiable, 9502.

by others, when justifiable, 9503.

when excusable or justifiable; defendant to be acquitted, 9504.

coverture no excuse for, 9213.

intoxication or anger no defense to, 9466.

functions of court and jury,

jury to determine degree of murder, 9476.

jury to determine punishment for murder, 9477.

judgment entered by court according to verdict, 9478.

person accused of murder may be found guilty of manslaughter by jury, 9479.

jury to determine degree of manslaughter, and punishment, 9479.

plea of guilty, court to determine punishment, 9480.

punishment,

murder in first degree, 9472.

murder in the second degree, 9473.

murder committed in riot, punishment of, 9808.

manslaughter in first degree, 9474.

manslaughter in second degree, 9475.

punishment for murder in first degree; time of execution, 9481.

HORSE RACING.

as cruelty to animals, see animals, § 12.

horse racing prohibited on Sunday, 9238.

near court house, misdemeanor, 9424.

on highway, misdemeanor, 9790.

animals used for, forfeiture, 9688.

HORSES.

See Animals.

INDEX.

(References are to sections.)

HOSPITALS.

- location of, where prohibited, 2812.
- to keep record of inmates, 450.
- as exempt from taxation, 2078.
- for persons with contagious disease, 429.
- power of cities to erect and establish, 3599 (58).
- power of cities to control and regulate, 3599 (58).
- the power of cities under commission form of government to establish, control and regulate, 3818 (53).
- power of board of health in townships and villages to provide hospital for sick and infectious persons, 4184.

HOSPITALS FOR INSANE.

See Insane, State Hospitals for.

HOTEL.

- sanitation of, see food, § 2.
- defined, 2979.
- doors to swing out, 2995.
- width of doors in, 2995.
- to be provided with fire escapes, 2977.
- penalty for failure to maintain fire escapes, 2978.
- keeper of, to report contagious disease, 423.
- liability of, for loss of property, 6036-6039.
- guests at, to be apprised of the use of oleomargarine, 2863.
- inspection of, by game wardens, 10276.
- sale of unclaimed property at, 6208.
- lien of innkeeper, 6872-6874.
- jumping hotel bill, misdemeanor, 10254.
- what constitutes jumping board bill, 10255.
- intentional destruction of property by guest, misdemeanor, 10256.
- hotel inspection law,
 - hotel defined, 2979.
 - fire escapes on, how constructed, 2980.
 - fire extinguishers and stand pipes, 2981.
 - hotels not over two stories high, 2982.
 - elevator shafts to be protected, 2983.
 - sanitary provisions enumerated, 2984.
 - penalty for failure to comply with article, 2985.
 - appointment and bond of inspector, 2986.
 - powers and duties of inspector, 2987-2991.
 - certificate of inspection to be posted, 2988.
 - penalty for certifying falsely, 2989.
 - penalty for interfering with inspector or failure to pay fee, 2990.
 - inspector authorized to make arrest, 2991.
 - inspection fees, 2992-2993.
 - pure water to be furnished guests in, 2994.

HOURS OF LABOR.

for women and children, 10246.

HOUSE.

keeping, for fighting animals, 10055.

HOUSEHOLD GOODS.

to be disinfected when sold second-hand, 2960, 2961.

INDEX.

(References are to sections.)

HOUSES OF WORSHIP.

injuring, how punished, 10060.

HUNTERS.

trespassing by, prohibited; penalty, 10325-10327.

HUSBAND AND WIFE.

§ 1. *In general.*

obligations of, mutual toward each other, 4407.
husband to be head of family, 4408.
neither can be excluded from dwelling of the other, 4410.
rights and capacity of, 4411.
what force may be used in protection of, 4356.
abduction of either spouse, forbidden, 4355.
seduction of wife forbidden, 4355.
issue presumed legitimate, when, 7935.
presumption of relation from cohabitation, 7936.
husband chooses residence, 4383.
husband's residence presumed to be the residence of the wife, 14.
failure of wife to conform to husband's place or mode of living as desertion, 4383.
competency of, as witnesses in actions for or against other spouse, 7871.
effect of insanity of one spouse on homestead, 5633-5639.

§ 2. *Separation.*

may make contract of separation, 4412.
marital relations cannot be changed by contract, 4412.
mutual consent sufficient consideration for contract of separation, 4413.
custody of children while parents are living apart, 4440.
separation of husband and wife if by consent, not desertion, 4383.
separate and mutual rights and liabilities, 4414.
husband not liable for wife living separate, when, 4416.

§ 3. *Support.*

husband must support himself and wife, 4409.
wife to support family, when, 4409.
husband liable for necessaries of wife, 4415.
husband not liable for wife living separate, when, 4416.
husband abandoned by wife not liable for her support, when, 4416.
refusal of husband to support wife, how punished, 9592-9594.

§ 4. *Actions for support of wife.*

when maintainable, 8169.
power of court to render judgment, 8170.
practice, 8171.
what payment by husband compelled, 8172.
security required; receiver, 8173.
modified or vacated judgment, 8174.

§ 5. *Property.*

separate deeds of, to same property legalized, 5517.
right to specifically enforce agreement to procure act or consent of the wife to husband's contract, 7198.
neither has interest in property of the other, 4410.
control of property when one spouse has been abandoned, 4417-4419.

§ 6. *Separate property of wife.*

of wife liable for her own debts, 4414.
of wife not liable for debts of husband, 4414.
earnings of wife while living apart from husband, are, 4414.
husband not liable for debts of wife contracted before marriage, 4414.

HYDRANTS.

power of city to regulate the construction, repair and use of, 3599 (42).

INDEX.

(References are to sections.)

HYDRANTS — (continued).

regulation affecting the construction, repair and use of, in cities under commission form of government, 3818 (35).

HYDROFLUORIC ACID.

use of, in foods as adulteration, 2880.

ICE.

guards at ice cutting, 9782.

how long continued, 9783.

violation, 9784.

special assessment for removing ice from sidewalk, 3696.

ICE HOUSES.

inspection of, by game warden, 10276.

IDIOT.

See Incompetent Persons.

ILLEGITIMACY.

See Infants; Parent and Child.

how defined, 4422.

mother entitled to earnings of illegitimate child, 4425.

inheritance by illegitimate child, 5745.

inheritance from illegitimate child, 5746.

presumption of legitimacy, 7936.

legitimacy presumed if born in wedlock, 4420.

legitimacy of, when born before wedlock, 4421.

presumption of legitimacy of children born after dissolution of marriage, 4421.

who may dispute presumption of legitimacy of children, 4422.

legitimacy of children begotten before annulment of marriage, 4370.

legitimacy of children of divorced personages, 4394, 4395.

acknowledgment of illegitimate child by father, effect of, 4450.

IMBECILE.

marriage of, prohibited, 4373.

See also Incompetent Persons.

IMITATION.

of marks and brands, how punished, 9716.

plates deemed to be, when, 9889.

IMMIGRATION.

duty of commissioner of agriculture and labor as to, 167.

appropriation to encourage, 649.

boards of county commissioners authorized to levy special tax for the purpose of promoting immigration to the state, 3277, 3278.

IMMIGRATION, STATE BOARD OF.

membership, 574.

powers in general, enumerated, 575.

appropriation, 578.

general executive agent,

appointment, 575.

duties in general, 575.

salary, 576.

bond, 577.

INDEX.

(References are to sections.)

IMPEACHMENT.

of public officer, 10440-10466.

IMPLIED CONTRACTS.

defined, 5885.

See generally, Contracts.

IMPORTATION.

of stallions regulated, 2779.

IMPORTERS.

defined, 2921.

IMPOUNDING.

See Animals, § 9.

power of cities to impound animals, 3599 (61).

— cities under commission form of government, 8818 (56).

— in townships, see Townships, § 14.

IMPRISONMENT.

See also Prisoner.

in general,

power of state to impose, 7.

to enforce civil remedy, 7.

for civil contempt, when, 8190-8193.

for debt, 8483-8495.

effect of, upon statute of limitation, 7373, 7385.

as punishment for crime, 9195, 10385.

for what convict may be punished, 11336.

term of, commences when, 10349.

sentence to, when expires, 10346.

where term not fixed, 10345.

fine may be added to, 10348.

upon two or more convictions, 10344.

of juvenile offenders, 10347.

authority of sheriff on commitment, 11353.

commitment to be indorsed and filed, 11354.

commitment to be delivered to successor, 11355.

suspends civil rights, when, 10350-10352.

prisons to be established in every county, 11349.

at hard labor,

authorized, 11331.

court may sentence to hard labor, 11332.

hard labor in county jail, 11333.

duty of sheriff, 11334.

marshal to superintend labor of inmates, when, 11335.

credit for each day's labor, 11337.

IMPROVEMENT DISTRICTS.

in cities, see Cities, § 22.

park districts, in cities, see Cities, § 25; in villages, see Villages, § 18.

INCEST.

defined; punishment, 9614.

what marriages constitute, 4359.

coverture no excuse for, 9213.

INDEX.

(References are to sections.)

INCOME.

- accumulation of, see Property, § 8.
- definition of, 5301.
- undirected income, who owns, 5296.

INCOMPETENCY.

See Incompetent Persons.

INCOMPETENT PERSONS.

See Insane Persons; Feebleminded, Institutions for.
guardians for incompetent person, see Guardian and Ward.

§ 1. *In general.*

- definition of idiot, 2567.
- idiots not admissible to insane asylum, 2567.
- state's right to custody of, 7.
- special guardian for proceedings in county court, 8561-8564.
- to be placed in asylums, when, how, 4474.
- procedure in county courts to have the fact of restoration to capacity judicially determined, 8889.
- wills of, 4345.
- personal service of summons on, how made, 7426.
- liable for wrongs, 4346.
- not liable for exemplary damages, 4347.
- incapable of committing crime, when, 9207.
- not liable for road labor, 2006.
- marriage of, prohibited, 4373.
- incompetency no defense to perjury, 9370.

§ 2. *Contracts of.*

- liable for necessities, 4343.
- power to make contracts, 4343, 4345, 5839.
- contracts by, subject to disaffirmance, 4344.
- cannot delegate powers, 4345.
- cannot waive rights, 4345.

§ 3. *Property of.*

- property of, how listed for taxation, 2094.
- stock of, how represented in corporate meetings, 4516.
- real estate of, sold for taxes, when redeemed, 2197.
- may redeem lands for tax judgment sale, when, 2329.

INCREASE.

- of property pledge included in pledge, 6773.
- on thing loaned for use, title in whom, 6051.
- of freight, carrier not entitled to freightage on, 6219.

INCUMBRANCER.

See Mortgages.

- record of mortgage, notice to, 6754.
- mortgage of personal property void as to, when, 6758.
- mortgage on personalty invalid as to, unless refiled, 6762.
- in good faith, mortgage not lien against, 6739.
- transfer of personalty without change of possession presumed fraudulent as to, 7221.

INDEBTEDNESS.

- in cities, see Cities, § 26.
- in villages, see Villages, § 19.
- in towns, see Towns, § 9.
- in townships, see Townships, § 13.

INDEX.

(References are to sections.)

INDEBTEDNESS, LIMITATION OF.

- of board of trustees of school for deaf and dumb, 1686.
- when bonds for construction of bridges may exceed, 1957.
- of corporations, 4543.
- of member of co-operative association, 4606.
- of agricultural fair association, 5115.
- debts of cities entailing excessive tax rate illegal, 2218.

INDECENT EXPOSURE.

- of person, misdemeanor, 9635.
- of pictures, etc., 9635.
- obscene exhibitions, 9635.
- obscene pictures, exhibition of, misdemeanor, 9636.
- seizure of, 9637.
- summary disposition of, 9637.
- destruction of, 9638.

INDEMNITY.

- defined, 6641.
- against unlawful act, 6642.
- against act done unless felonious void, 6643.
- against act of person includes agent, 6644.
- several includes each, 6645.
- joint liability with person indemnified, 6646.
- rules for interpretation of contract of indemnity, 6647.
- engagement to answer for violation of duty, reimbursement, 6648.
- authority when called bail, 6649.
- obligation of bail, how governed, 6650.
- re-insurance as contract of, 6551.
- to state for costs in quo warranto proceedings, 7971.
- to sheriff in actions for claim and delivery, 7526.
- where property levied on is claimed by third person, 7728.
- may be required by carrier, when, 6215.
- of employee for personal injuries, 6106.
- to depositary for damages, 6019.
- to borrower for defects in things borrowed, 6059.
- owner of tubercular cattle not to be indemnified, when, 2706.

INDEPENDENT SCHOOL DISTRICT.

See Schools and School Districts, § 3.

INDETERMINATE SENTENCE.

provisions as to, 10943-10949.

INDIANS.

- what Indians qualified to vote, 948, 949.
- rights of as to voting, 4349.
- as to leasing Indian land, 4349.
- other rights same as other persons, 4349.
- marriage contracts of, valid, 4365.
- apprenticeship of children, how made, 4749.
- giving liquor to, misdemeanor, 10140.
- punishment for harboring, when, 10247.

INDIAN SCHOOL RESERVATION.

- ceded to state by United States, 5.
- care of property ceded to state, 6.

INDEX.

(References are to sections.)

INDICTMENT.

- for procedure generally, see Criminal Procedure, § 6.
- defined, 10526.
- as foundation of prosecution of crime, 10389.
- sufficiency of, 10693.
- sufficiency of information for, in anti-trust proceedings, 9955.
- against corporation, 11085.
- for maintenance of public nuisance, 7236.
- disclosure of, when misdemeanor, 9433.
- arrest on, how made, 10682.

INDIVIDUALS.

- when liable for violation of article regulating common carriers, 4737.
- when individual persons must comply with law relative to corporations, 5237.

INDORSEMENT.

- of negotiable instrument, see Negotiable Instruments.
- defined, 7075.
- of capital stock, how made, 4527.
- by banking corporation, when unlawful, 10010.

INDUSTRIAL SCHOOL.

- state normal and industrial school at Ellendale, see normal schools, § 2.
- See also Reform School.

INFANT.

- See Abandonment; Abduction; Adoption; Apprenticeship; Afterborn Children; Illegitimacy; Parent and Child; Master and Servant.
- § 1. *In general.*
 - minority defined, 4335.
 - defined, 9655.
 - period of minority computed, how, 4335.
 - dependent, neglected, delinquent, defined, 11403.
 - what term includes, 7234.
 - residence of, 14.
 - enlistment in national guard, 2383.
 - marriage of minor as termination of guardianship, 8920.
 - abuse of, coverture no excuse for, 9213.
 - pretense to birth of, misdemeanor, 9429.
 - rights of, enforced how, 4348.
 - mitigation of punishment of, 10347.
 - undertaking for appearance of, as witness, 10619.
 - inmate of reform school deemed, when, 11282.
- § 2. *Custody and support of.*
 - state's right to custody, 7.
 - as wards of the state, when, 11402.
 - right of guardian to custody of ward, 8879, 8880.
 - actions for support of child, 4430.
 - support of poor child, 4431.
 - dependent,
 - who are, 5109.
 - to be cared for at public expense, 5109.
 - duty of county commissioners, 5109.
 - child deemed to be abandoned, when, 5110.
- § 3. *Powers and capabilities of.*
 - incapable of committing crime, when, 9207.
 - liable for wrongs, when, 4346.
 - not liable for exemplary damages, 4347.

INDEX.

(References are to sections.)

INFANT — (continued).

right of minor to act as administrator, 8657.
indorsement of negotiable instrument by, 6907.
stock belonging to, how represented in corporate meetings, 4516.
may make wills, when, 5740.
effect of minority upon statute of limitation, 7372, 7384.
capability of, to make contracts, 5838.
cannot give delegation of powers, 4338.
disaffirmance of contracts,
 minors may disaffirm contracts, 4339.
 when and by whom contracts may be disaffirmed, 4340.
 contracts for necessities cannot be disaffirmed, 4341.
 statutory contracts cannot be disaffirmed, 4342.

§ 4. Property of.

property of, how listed for taxation, 2094.
real estate of, sold for taxes, redeemed when, 2197.
may redeem lands from tax judgment sales, when, 2329.
unprovided for in will, take how, 5674-5677.
accumulations for, 5292-5294.
deposits by, in savings banks, 5200.

§ 5. Actions by or against.

See generally, Actions.
appears, how, 7398.
infant to appear by guardian, 7399.
personal service of summons on, how made, 7426.
special guardians for proceedings in county court, 8561-8564.
share of in partition suit, to whom paid, 8065.
appearance of, in justice's court, 9018.
measure of damages for wilful detention of infant's real estate by guardian or trustee,
 7167.

§ 6. Offenses against.

abandonment and neglect of, 9589-9594.
substituting, misdemeanor when, 9430.
baby farming prohibited, 9607, 9608.
stealing of, defined: punishment, 9609.
sale of obscene literature to, prohibited, 9652-9655.
not to be allowed in certain places, 9689.
use of cigarettes by, prohibited, 9799, 9803.
furnishing firearms to, prohibited, 9804, 9805.
treating, when prohibited, 10131.
enticing or taking, jurisdiction of, 10508.

INFORMATION.

prematurely giving, of indictment, when misdemeanor, 9433.
matters of parties to insurance contract not bound to disclose, 6489.
as basis for prosecution for crime,
 as to procedure, see Criminal Procedure, § 6.
 defined, 10527.
sufficiency of, 10693.
as foundation for prosecution for crime, 10389.
sufficiency of, in anti-trust proceedings, 9955.

INFORMATION AND BELIEF.

representations for insurance contract made on, 6499.

INHERITANCE.

See Succession.

INDEX.

(References are to sections.)

INHERITANCE TAX.

See Taxes, § 25.

INITIATIVE.

in cities adopting commission form of government, 3836.

INJUNCTION.

§ 1. *Provisional injunction.*

in general,

provisional injunctions regulated by code of civil procedure, 7212.

provisional remedy by, 7487.

writ of, abolished, 7528.

by order, 7528.

in what cases granted, 7529.

when granted; limitation, 7530.

granted after answer, 7531.

security for damages, 7532.

order to show cause, 7533.

against corporation, 7534.

application to vacate, 7535.

counter affidavits, 7536.

original jurisdiction of supreme court to grant, 7339.

effect of, upon statute of limitation, 7389.

in particular cases,

when proceedings to foreclose mortgage will be enjoined, 8074

— against fraternal beneficiary societies, who may apply for, 5084.

by owner of surface against operator of mine for failure to give security, 2453.

to restrain foreclosure of chattel mortgage, 8124.

injunction to restrain injury to mortgaged premises, 8116.

decrees of railroad commissioners enforced by, 4732.

in anti-trust proceedings, 9961.

in insolvency,

against insolvent insurance company, 4925.

restraining transfers pending insolvency proceedings, 8359.

against insolvent corporation, when granted, 7992.

against creditors of insolvent corporations, when, 8001.

in criminal matters,

granted in prohibition cases, when, 10117, 10118.

against gambling house, penalty, 9692-9696.

against maintenance of bawdy house, 9645.

§ 2. *Final injunction.*

when granted to prevent breach of obligation, 7213.

when compensation would not afford adequate relief or would be difficult to ascertain the amount, 7213.

to restrain multiplicity of judicial proceedings, 7213.

when injunctions cannot be granted, 7214.

— to stay judicial proceedings, 7214 (1).

— to stay proceedings in court of United States, 7214 (2).

— to stay proceedings in any other state upon a judgment of a court of that state, 7214 (3).

— to prevent the execution of a public statute by officers for public benefit, 7214 (4).

— to prevent breach of a contract, 7214 (5).

— to prevent exercise of a public or private office, 7214 (6).

— to prevent legislative act by municipal corporation, 7214 (7).

INJURIOUS ACTS.

misdemeanors, when, 10250.

INDEX.

(References are to sections.)

INJURY.

- obligation to abstain from injuring another, 5942.
- right of protection from, 4350.
- right to use force to defend from, 4356.
- wilful injury to person as cause for arrest, 7489.
- limitation of action for personal, 7375.
- contracts for exemption from liability for, 5923.

INLAND BILL OF EXCHANGE.

- defined, 7013, 7014.
- See Negotiable Instrumenta.

INN.

- See Hotels.

INN-KEEPER.

- See Hotels.
- inn-keeper as depositary, see Deposit, § 6.

INNOCENCE.

- presumption of, 7936.

INQUEST.

- See Coroner, § 2.

INSANE PERSONS.

- See Insane, State Hospital for; Incompetent Persons; Feeble-minded, Institution for.
- guardians for insane persons, see Guardian and Ward, § 5.

§ 1. *In general.*

- terms "insane" and "idiot" defined, 2567.
- power of state board of control to investigate question of, 259.
- disposition of insane non-residents, 2561.
- proceedings for release of persons alleged not to be insane, 2562.
- proceedings not to be repeated oftener than once in six months, 2563.
- unlawful confinement of insane person, 9731.
- insane persons entitled to habeas corpus, 2564.
- effect of insanity on statute of limitation, 7372, 7385.
- guardian appointed for, when, 4458-4459.
- see Guardian and Ward.
- share of insane person in partition action, to whom paid, 8066.
- of defendant after judgment of death, inquisition as to, 10983, 10984.
- abusing insane persons, misdemeanor, 10257.

§ 2. *Commissioners of insanity.*

- appointment of, 2547.
- quorum of board, 2547.
- membership of board, 2547.
- vacancy in, how filled, 2547.
- vacancies, record of, 2547.
- oath of office of, 2548.
- organization and meetings of, 2548.
- duties and powers of in general, 2549, 2550.
- to investigate cases of alleged insanity, 2552.
- to provide for insane persons, 2556.
- salaries of, 2565.
- salaries and fees, by whom paid, 2565.
- penalty for neglect of duty, 2566.

INDEX.

(References are to sections.)

INSANE PERSONS — (continued).

- § 3. *Insane persons not in hospitals.*
 - insane persons to be cared for by county, 2555, 2566.
 - insane not to be restrained of liberty except by proper authority, 2557.
 - penalty for cruelty to insane, 2558.
 - transfer of insane under county care, 2559.
- § 4. *Admission to hospitals.*
 - application for admission to hospital, 2560.
 - requirements of, 2560.
 - questions to be answered by applicant, 2560.
 - investigation by commissioners as to alleged sanity, 2552.
 - patients to be sent to hospital, how, 2553.
 - disposition of insane persons when accommodations of hospital are insufficient, 2554.
- § 5. *County liable for expenses of insane.*
 - each county to pay charges of own patients, 2568.
 - superintendents of insane asylums to furnish statement to county auditors, 2569.
 - legal residence for determination of charge against county to be determined, 2570.
 - adjustment between counties, 2571.
 - levy of tax to pay charges for, 2572.
 - penalty for failure of county to pay tax, 2573.
 - time of payment of taxes, 2574.
 - tax not to be diverted, 2575.
 - improper charge against county for support of insane, how determined, 2576.
 - right of appeal, 2577.
 - to whom provisions apply, 2578.
 - expenses for care of, chargeable against estate of insane person, 2579.
- § 6. *Postal right of insane persons.*
 - postal rights, how secured, 2580.
 - duty of superintendent of hospitals, 2581.
 - penalty for violation of the act, 2582.
- § 7. *Defendant in criminal action.*
 - insane person cannot be tried or punished, 11063.
 - doubt arising, question to be tried, 11064.
 - procedure and order of trial of insanity, 11065.
 - duty of court on trial of insanity, 11066.
 - defendant found sane, trial to proceed, 11067.
 - defendant found insane, procedure, 11068.
 - — commitment exonerates bail, 11069.
 - defendant becoming insane, procedure, 11070.
 - expenses, how paid, 11071.
 - defendant acquitted for insanity, how disposed of, 9210.
 - acquittal on ground of, power of court, 10901.
 - inmate of penitentiary or reform school, 11296, 11297.

INSANE, STATE HOSPITAL FOR.

See Feeble-minded, Institution for; Insane Persons.
as to method of keeping accounts, see State Institutions.

- § 1. *In general.*
 - under management of state board of control, 243, 1755.
 - location of, 1747.
 - object of hospital, 1751.
 - supplies for, how provided, 1758.
 - action against county for sum due for care of patient to be prosecuted by attorney-general, 1769.
 - necessity of affixing hospital seal to notices, orders of discharge and reports, 1771.
 - right to issue bonds, 1773.
 - funds to be deposited with state treasurer, 1774.
 - special appropriations to be used only for the purpose for which they are made, 1760.
 - not to be diverted from the purpose for which they were made, 1760.

INDEX.

(References are to sections.)

INSANE, STATE HOSPITAL FOR — (continued).

- buildings, provisions for erection and repairs, 1759.
- fees for conveying patients, 3515.
- introduction of intoxicating liquor into, prohibited, 10174.
- insane defendant in criminal action committed to, 11068.
- expenses of insane criminal, how paid, 11071.
- § 2. *Board of trustees.*
 - appointment of, by governor, 1748.
 - vacancies, how filled, 1748.
 - term of office, 1748.
 - compensation, 1749.
 - bond and oath of members, 1750.
 - meetings, 1749, 1754.
 - quorum, 1754.
 - reports, 1753.
 - officers of board, term of office, 1753.
 - powers,
 - as to discharge and admission of patients, 1751.
 - to accept property for benefit of institution, 1752.
 - duties,
 - as to admission of patients, 1751.
 - to provide and keep a seal, 1752.
 - not to be personally interested in contracts, 1752.
 - to keep record of its proceedings, 1753.
 - with respect to the erection or repair of buildings, 1759.
 - to visit hospital monthly, 1756.
 - president to make the monthly examination of the account of the steward, 1756.
- § 3. *Officers.*
 - appointment, 1755.
 - superintendent,
 - qualifications, appointment, 1755.
 - bond and oath, 1757.
 - compensation, 1755.
 - responsibility for reception or detention of patient, 1770.
 - powers enumerated, 1757.
 - duties in general, enumerated, 1757.
 - to furnish patients suitable clothing upon discharge from institution, 1766.
 - to make monthly examination of the account of the steward, 1756.
 - assistant physician, appointment; salary; qualification, 1755.
 - steward,
 - appointment, salary, 1755.
 - account of, to be examined monthly, 1756.
 - duties enumerated, 1758.
 - matron, appointment, salary, 1755.
- § 4. *Patients.*
 - admission of patients, 1751.
 - admission of non-resident, 1761.
 - charges for, to be fixed by trustees, 1761.
 - cost of treatment, 1762.
 - non-resident patient to pay actual cost of care and treatment, 1762.
 - care of, 1763.
 - preference to be given in receiving patients, 1764.
 - proceeding where patient escapes from state hospital for the insane, 1765.
 - right of relatives to remove, 1766, 1767.
 - discharge, 1766-1768.

INSECTICIDES AND FUNGICIDES.

- adulteration or misbranding of, unlawful, 10210.

INDEX.

(References are to sections.)

INSECTICIDES AND FUNGICIDES — (continued).

dealing in misbranded or adulterated, prohibited, 10211.
what constitutes adulteration, 10212.
misbranding defined, 10213.
what constitutes misbranding, 10214.
duty of food commissioner, 10215.
citizen may take suspected article to food commissioner, 10216.
chemical analysis by food commissioner, 10217.
insecticide, defined, 10218.
fungicides, defined, 10218.
paris green, defined, 10218.
lead arsenate, defined, 10218.
dairy products, 10219.
proceedings against misbranded articles, 10220.

INSOLVENCY.

- action against insolvent corporation, see Corporations, § 18.
- § 1. *General provisions.*
what preferences void, 8436.
when payment on security void, 8437.
judgments against debtor, when void, 8437.
when debtor discharged, 8348.
what deemed commencement of proceedings, 8349.
what deemed to be matters of record, 8350.
notice of dishonor to insolvent, how given, 6986.
liability of director of industrial corporation for acts resulting in, 4988.
action against insolvent building associations, 5137.
when insolvency of principal under guarantee will be presumed, 6660.
of warehouseman, 3114.
actions against insolvent bank, 5183.
when bank deemed to be insolvent, 5189.
- § 2. *Voluntary.*
when proceedings for authorized, 8351.
petition; effect of filing, 8351.
contents of schedule, 8352.
affidavit to petition, 8353.
notice to creditors, 8354.
amendment of schedule, 8355.
- § 3. *Involuntary.*
when proceedings authorized, 8356.
petition and amendment, 8357.
undertaking, 8358.
order to debtor to show cause, 8359.
transfer of property enjoined, 8359.
when property seized and debtor arrested, 8360.
service on debtor, 8361.
proceedings continued by another creditor, 8362.
answer of debtor, 8363.
trial of issues, 8363.
procedure on demand for jury, 8364.
how proceedings dismissed, 8365.
when debtor adjudged insolvent, 8366.
amendment of order requiring schedule, 8367.
how copy of adjudication served, 8368.
- § 4. *Proceedings to realize estate.*
notice of insolvency, 8369.
notice of election of assignee, 8370.
manner of serving notice, 8371.

INDEX.

(References are to sections.)

INSOLVENCY — (continued).

choosing assignee before time fixed, 8372.
meeting of creditors, 8373.
creditor may act by attorney, 8374.
time and method of electing assignee, 8375.
who may vote for, or be assignee, 8376.
clerk to execute assignment, 8383.
dissolution of levy, 8383.
exemptions of debtor, 8384.
embezzlement by third person, 8387.
proceedings to obtain property embezzled, 8388.
when assigned claim no defense to action by assignee, 8390.
inventory of estate, 8391.
property accounted for at appraised value, 8392.
selection of exemptions, 8393.
sale of perishable property, 8399.
assignee,
 undertaking; failure to give, 8377.
 grounds for removing assignee, 8378, 8379.
 resignation of assignee, 8380.
 how vacancies filled, 8381.
 from what resignation no release, 8382.
 may redeem and tender performance, 8385.
 authority of assignees as to actions, 8386.
 notice of appointment of, 8390.
 powers of, in general, 8394.
 money deposited and property to be kept distinct, 8395.
 investments when distribution delayed, 8396.
 disbursements of assignee, 8397.
 compensation of assignee, 8397.
 assignee may arbitrate, 8398.

§ 5. Claims against estate.

what provable against estate, 8400.
contingent claims, 8401.
claim proved after liability absolute, 8402.
proof of claim of surety, 8403.
claims for rent, 8404.
what claims not allowed, 8405.
mutual debts, 8406.
claim secured by lien, 8407.
when preference bars claim, 8408.
oath of claimant, 8409.
examination of witnesses as to claims, 8410.
examination of debtor, 8411.
allowance by assignee, 8412.
appeal from rejection, 8413.
 — how taken and heard, 8414.

§ 6. Dividends.

first dividend, 8415.
when preferred claims paid, 8416.
order of priority among claims, 8417.
reservation for distant creditors, 8418.
second dividend, 8419.
sale of debts not easily collectible, 8420.
when second dividend final, 8421.
prior dividends when not distributed, 8422.
final dividend, 8423.
application by assignee for discharge, 8423.

INDEX.

(References are to sections.)

INSOLVENCY — (continued).

§ 7. *Discharge of insolvent.*

- duty of debtor as to property, 8424.
- refusal to execute instrument as contempt, 8425.
- when insolvent may apply for discharge, 8426.
- notice of application to creditors, 8427.
- discharge, when not granted, 8428.
- method of posting, 8429.
- oath of insolvent, 8430.
- certificate of discharge, when granted, 8431.
- from what debts discharged, 8432.
- how discharge pleaded, 8432.
- from what not discharged, 8433.
- release of persons liable with debtor, 8434.
- discharge of debtor once insolvent, 8435.
- new trial, 8438.
- appeals, 8439.
- judgment of, when final, 3438.

§ 8. *Proceedings peculiar to partnership.*

- petition, procedure, 8440.
- assignee chosen, by whom, 8441.
- how partnership and individual property applied, 8442.
- rule governing discharge of insolvent partners, 8442.

§ 9. *Fraudulent insolvencies.*

- fraudulent insolvency of corporations, see Corporations, § 10.
- what insolvencies deemed fraudulent, 10017.
- fraudulent conveyance, 9999.
- removing property to avoid execution, 10000.
- unlawfully preferring creditors, 10001.
- frauds in insolvency, 10002.

INSPECTION OF INSTRUMENT.

- before trial, provisions for, 7861.

INSPECTORS OF ELECTION.

- See Elections, § 7; Elections, Primary, § 4.

INSTALMENTS.

- instrument negotiable although payable in, 6887.

INSTITUTE.

- meeting of superintendent of highways and deputy in, 1990f.

INSTITUTION FOR FEEBLEMINDED.

- See Feeble-minded, Institution for.

INSTRUCTION.

- to jury, see Trial, § 9.

INSTRUMENT.

- cancellation of instruments, see Cancellation of Instruments.
- defined, 7075.
- offering false or forged, for record, 9365.
- larceny of, 9921-9923.
- injuring written, punishment for, 10074.

INSURABLE INTEREST.

- See Insurance.

INDEX.

(References are to sections.)

INSURANCE.

See Fraternal Beneficiary Association; Fraternal Benefit Societies.

See Insurance, Commissioner of; Insurance Companies.

§ 1. In general.

insurance defined, 6458.

place of trial of action on policy of, 7415.

of lottery tickets, misdemeanor, 9669.

what may be insured,

insurable interest, 6459.

insurance classified, 6460.

applicability of chapter to different kinds of insurance, 6460a.

parties to contract,

insurer and insured defined, 6461.

who may insure, 6462.

who may be insured, 6463.

insurance of mortgaged property, 6464, 6465.

insurable interests,

insurable interest defined, 6466.

insurable interest classified, 6467.

carrier or depository as insurable interest, 6468.

contingent or expectant interest not insurable, 6468.

measure of insurable interest, 6470.

insurance without interest void, 6471.

when interest must exist, 6472.

when change of interest suspends insurance, 6473.

change after loss does not affect insurable interest, 6474.

change of one of several things, effect of, 6475.

effect of encumbrance or re-insurance of one of several things, 6476.

change of interest caused by death, 6477.

change among joint owners, 6478.

stipulation of interest, 6479.

stipulation after party has notice void, when, 6479.

policy issued by way of gaming void, 6479.

concealment and representation,

concealment defined, 6480.

rescission on account of concealment, 6481.

material disclosures, 6482.

— what need not be disclosed, 6483.

how materiality is to be determined, 6484.

presumption of knowledge, 6485.

right to information waiving, 6486.

information as to interest, 6487.

rescission for fraudulent concealment, 6488.

means of information, 6489.

form of representation, 6490.

— when may be made, 6491.

rules of interpretation, 6492.

what deemed to be presumed, 6493.

representation cannot qualify contract, 6494.

representation when may be withdrawn, 6495.

time to which representation refers, 6496.

representation on information and belief, 6497.

when representation deemed false, 6498.

effect of falsity of representation, 6499.

materiality of representation, how determined, 6500.

when representation not material, 6501.

article applies to modification of contract of insurance, 6502.

when contract may be rescinded, 6502.

INDEX.

(References are to sections.)

INSURANCE — (continued).

policy,

- policy defined, 6503.
- what policy must specify, 6504.
- policy applicable to insured interest only, 6505.
- insurance by trustee or agent, 6506.
- term of policy covering joint or common interest, 6507.
- only person intended may claim benefit, 6508.
- policy for benefit of any owner, 6509.
- transfer of thing insured as transfer of policy, 6510.
- classified, 6511.
 - open policy defined, 6512.
 - valued policy defined, 6513.
 - running policy defined, 6514.
- receipt for premium, effect of, 6515.
- agreement not to transfer, void, 6516.
- holder may surrender for cancellation, 6517.
- notice necessary to forfeiture, 6518.

warranties,

- classified, 6519.
- no form necessary, 6520.
- express warranties must be written, 6521.
- to what time warranties may relate, 6522.
- when statement of fact is express warranty, 6523.
- statement of intention as to warranty, 6523.
- warranty as to future, when need not be fulfilled, 6524.
- rescission for violation of, 6525.
- mutual warranty, 6526.
- what avoids policy, 6527.
- breach when valid, 6528.

premiums,

- defined, 6531.
- when premiums payable, 6529.
- when insured entitled to return of, 6530.
- return of, when insurance voidable, 6532.
- when not entitled to return, 6533.
- return in case of over-insurance by several insurers, 6534.
- contribution to return, 6535, 6536.

loss,

- when insurer liable, 6537.
- liable for loss in rescinding, 6538.
- not liable for peril excepted, 6539.
- insurer liable for loss caused by negligence, 6540.
- but not for negligence caused by wilful act, 6540.

notice of loss,

- to be given without unnecessary delay, 6541.
- only best proof in power of insured required, 6542.
- defects in notice of loss, how waived, 6543.
- delay in serving notice of loss, how waived, 6544.
- time in which to make notice of loss; blanks, 6545.
- failure to furnish certificate of another person as to loss, 6546.

double insurance,

- defined, 6547.
- contribution of insurer, 6548.

re-insurance,

- defined, 6549.
- disclosure required, 6550.
- contract of indemnity, 6551.
- original insured has no interest in re-insurance, 6552.

INDEX.

(References are to sections.)

INSURANCE — (continued).

§ 2. *Life and health.*

- when payable, 6627.
- insurable interest, who has, 6628.
- policy transferable, when, 6629.
- when notice of transfer unnecessary, 6630.
- measure of indemnity, 6631.
- agent defined, 6632.
- suicide no defense, when, 6633.
- authority required to issue policy, 6634.
- liability of life insurance to claims of creditors, 6719.
- policies,
 - standard forms of policies, 6635.
 - single premium policies, 6635a.
 - policies for term insurance, 6635b.
 - provisions required if standard policy not used, 6635c.
 - provisions prohibited, 6635d.
 - preliminary term policy, 6635e.
 - form of policy to be filed with insurance commissioner, 6635f.
 - provisions required by foreign law, 6635g.
 - to contain entire contract, 6636.
- companies exempt from provisions of chapter, 6635h.
- company defined, 6635i.

§ 3. *Health or accident.*

- policies,
 - typography and provisions required, 6637.
 - provisions forbidden, 6638.
 - application of chapter, 6639.
 - form of policy to be filed with insurance commissioner, 6640.

§ 4. *Fire.*

- rescission for change in use or condition of thing insured, 6620.
- when not, 6621.
- when contract unaffected though risk increased, 6622.
- measure of indemnity, 6623.
- face of policy to be paid in case of loss, when, 6624.
- standard policies,
 - requirements of, 6625.
 - construction of, 6626.
- of property kept in storage house, 3141.
- insurance of public property in villages, 3861 (13).
- tax for cities, towns and villages, fire department, 3993-3998.
- duty of county treasurer to insure county property, 3344.
- insurance companies to report losses to state fire marshal, 211.
- destroying insured property, how punished, 9981.
- presenting false proof of loss, how punished, 9982.

§ 5. *Marine.*

- defined, 6553.
- insurable interest,
 - owner has, 6554.
 - charterer has, 6560.
 - hypothecation reduces interest, 6555.
 - freightage defined as to insurance, 6556.
 - expected freightage, insurable interest in, 6556-6558.
 - profits, insurable interest in, 6559.
- concealment,
 - extent of disclosures to be made, 6561.
 - belief of another to be material, 6562.
 - when knowledge of loss will be presumed, 6563.
 - what concealment does not vitiate entire contract, 6564.

INDEX.

(References are to sections.)

INSURANCE — (continued).

- representations,
 - rescission for false representation, 6565.
 - false representation without fraud does not avoid policy, 6566.
- implied warranties,
 - seaworthiness, 6567.
 - seaworthy defined, 6568.
 - when warranty as to seaworthiness is complied with, 6569.
 - what seaworthiness includes, 6570.
 - seaworthy as to each part of voyage, 6571.
 - delay in reporting exonerates insurance company, 6572.
 - seaworthy as to cargo, 6573.
 - neutral papers, 6574.
- voyage and deviation,
 - freightage fixed by mercantile uses, 6575.
 - when not so fixed, 6576.
 - deviation,
 - defined, 6577.
 - when proper, 6578.
 - when improper, 6579.
 - liability of insurer after improper deviation, 6580.
- loss,
 - loss classified, 6581.
 - partial loss defined, 6582.
 - total loss classified, 6583.
 - actual total loss defined, 6584.
 - constructive total loss defined, 6585.
 - when actual loss presumed, 6586.
 - duty to procure another ship for cargo, 6587.
 - liability for, against reshipment, 6588.
 - payment without notice, 6589.
 - general average loss, 6590.
 - what covered by insurance against actual total loss, 6591.
- abandonment,
 - defined, 6592.
 - when authorized, 6593.
 - must be absolute, 6594.
 - when may, 6595.
 - when becomes ineffectual, 6596.
 - abandonment to be made by written notice, 6597.
 - requisites of notice of abandonment, 6598.
 - abandonment sustained on cause specified only, 6599.
 - abandonment to be equivalent to transfer, 6600.
 - payment entitled insurer to salvage, 6601.
 - insured's agents insurer on abandonment, 6602.
 - acceptance of abandonment unnecessary, 6603.
 - acceptance conclusive on all parties, 6604.
 - abandonment irrevocable, when, 6605.
 - right to freightage after abandonment, 6606.
 - refusal to accept, 6607.
 - rights after abandonment, 6608.
- measure of indemnities,
 - valuation conclusive between parties, 6609.
 - measure of liability, partial recovery of profits, how estimated, 6610.
 - how loss is determined on valued policy, 6611.
 - how loss on profits is presumed, 6612.
 - how loss on open policy is estimated, 6613.
 - how partial loss of cargo is estimated, 6614.

INDEX.

(References are to sections.)

INSURANCE — (continued).

measure of indemnities — (continued).

- liability for repairs and labor; recovery, 6615.
- liability for insurer's contribution to general average, 6616.
- subrogation of right to contribution, 6618.
- liability for partial loss of ship, 6619.

INSURANCE, COMMISSIONER OF.

See Insurance; Insurance Companies.

§ 1. *In general.*

- fees, 173.
- salary, 174.
- state examiner to act as, when, 175.
- residence of, 174.
- ex officio commissioner of hail insurance, 176.
- powers and duties of clerks, 172.
- salaries of deputies and clerks, 176.
- appropriation for clerk hire, 652.
- contingent fund,
 - order upon, for payment, contents of, 651.
 - appropriation for, 650.

§ 2. *Report.*

- to governor, 172.
- to governor regarding state bonding department, 199.
- to legislature, 199.
- publication of report of state bonding department, 199.
- printing of biennial report, 59.
- publication of, with respect to hail insurance department, 189.

§ 3. *Duties.*

- in general, enumerated, 172, 176.
- as to articles of incorporation of domestic insurance companies, 4839.
- where insurance company reduces stock, 4867.
- as to consolidation of insurance companies, 4890.
- to refuse certificate to insurance companies, when, 4837.
- to examine insurance company before granting certificate to do business, 4920.
- to revoke authority of insurance company, when, 4922.
- to issue notice to company when capital stock is impaired, 4865.
- to forbid issuance of policies where capital is less than liabilities, 4858.
- in respect to annual statements of insurance companies, 4917.
- to inquire into conditions of insurance companies, 4919.
- in respect to accident and sickness insurance companies, 4975.
- to ascertain net-cash value of life policies, 4923.
- to ascertain value of insurance policies, 4847.
- to examine records of foreign insurance company, 4963.
- to issue certificate to foreign insurance companies, 4908.
- with respect to hail insurance, 186.
- as to mutual hail insurance companies, 4898, 4901.
- as to examinations to determine status of fraternal beneficiary societies, 5083, 5085-5087,
- as to fraternal beneficiary associations, 5045, 5048-5050.
- where fraternal beneficiary association has failed to file statement, 5057.
- relative to organization of fraternal beneficiary societies, 5069.
- supervision of state bonding department, 190.
- with respect to state bonding department, 200.
- establish rules for prevention of fires, 215.

INSURANCE COMPANIES.

See Insurance, Commissioner of; Insurance.

INDEX.

(References are to sections.)

INSURANCE COMPANIES — (continued).

- § 1. *In general.*
terms defined, 4834.
diversion of funds to aid political parties, prohibited, **penalty, 4858.**
- § 2. *Provisions applicable to all companies.*
limitation of risk of insurance company, 4914.
annual statement,
 publication thereof, 4915.
 contents of, 4916.
 to be verified, 4917.
 duty of insurance commissioner in respect thereto, 4917.
statements of receivers of insurance company, 4918.
inquiry into conditions of companies, 4919.
certificate of authority to do business,
 agents not to act without certificate, 4920.
 examination before granting certificates,
 examination of domestic insurance company, 4921.
 examination of foreign companies, 4921.
 expenses of examination, 4921.
 authority revoked for false statements, 4922.
 when revocation set aside, 4922.
commissioner to ascertain net-cash value of life policies, 4923.
tax on insurance companies, how levied, 4924.
authority of foreign or domestic company revoked, how, 4925.
insurance by resident agents only, 4926.
penalty for not making statement, or by making false statements, 4927.
for violation of provisions for which no specified penalty is provided, 4928.
fees to be paid by insurance companies, 4929.
same conditions to be imposed on foreign and domestic companies, 4930.
chattel mortgage as premium,
 chattel mortgage as payment of premium, void when, 4957.
 penalty, 4958.
licensing agents,
 agents defined, 4959.
 licenses required; penalty, 4960.
- § 3. *Provisions common to all domestic companies.*
subject to what provisions of law, 4835.
how and for what purposes formed, 4836.
contents of article of incorporation, 4507, 4837.
directors,
 qualifications of, 4838.
 residence of, 4838.
examination of, 4921.
authority to do business, how revoked, 4925.
article of incorporations to be examined by attorney-general and commissioner of insurance, 4839.
re-insurance, 4840.
limitation on trade by, 4841.
limitation on purchase and conveyance of real estate, 4842.
capital and surplus invested, how, 4843.
limitation of assessment on capital stock, 4571.
dividends only from surplus profits, 4844.
profits, how estimated, 4844.
penalty for loans in violation of law, 4845.
- § 4. *Provisions applicable to domestic stock companies.*
capital stock required, 4863.
opening books for inspection, 4864.
notice to company when capital stock is impaired, 4865.

INDEX.

(References are to sections.)

INSURANCE COMPANIES — (continued).

- how capital made good, forfeiture of others, 4866.
- capital stock reduced; examination and certificate of commissioner, 4867.
- company not to issue policies when capital is less than liabilities, 4868.
- transfer of stock pending examination not to release liability, 4869.
- § 5. *Provisions applicable to all domestic mutual insurance companies.*
 - amount of subscribed insurance required, 4870.
 - insurer of member; notice of meetings, 4871, 4872.
 - manner of voting by proxy, 4873.
 - premiums; continued liability stated on policy, 4874.
 - reserve fund, how used, 4875.
 - temporary capital may be retired, 4876.
 - members entitled to share of net profits, 4877.
 - distribution of surplus on life policies, 4878.
 - assessments, when and how made, 4879.
 - making premium reserve good, 4880.
 - method of, by assessment, cancellation of policies and re-insurance, 4880.
 - directors personally liable for not making and collecting assessments, 4881.
- § 6. *Provisions applicable to all life insurance companies.*
 - misrepresentation by, prohibited; penalty, 4853-4854.
 - discrimination by, prohibited; penalty, 4855, 4856.
 - surplus of,
 - surplus to be apportioned annually, 4882.
 - exception, 4883.
 - contingency reserve provisions regulated, 4884.
 - rights of policy holders, 4885.
 - automatic insurance, 4886.
 - contracts waived, provisions of article prohibited, 4887.
 - annual report, what to contain, 4931.
- § 7. *Provisions applicable to domestic life insurance companies.*
 - securities of, to be deposited with insurance commissioner,
 - annual statement relative to securities, 4846.
 - commissioner to ascertain value of policies, 4847.
 - securities to be deposited with commissioner of insurance, 4848.
 - securities vest in policy holders on default, 4849.
 - securities may be exchanged, 4850.
 - dividends on securities belonging to company, 4851.
 - exception as to fraternal beneficiary associations, 4852.
 - disbursements by, vouchers required for disbursements, 4857.
 - expenses of officers regulated, 4859.
 - salary of officers restricted, 4860.
 - investments by,
 - investment of funds restricted, 4861.
 - holding of real property regulated, 4862.
- § 8. *Provision applicable to all domestic life, accident and health insurance companies.*
 - consolidation of insurance companies prohibited, when, 4888.
 - petition for consolidation, how made, 4889.
 - duty of insurance commissioner, 4890.
 - commissioner to be appointed, 4891.
 - expenses of proceedings to be paid by companies desiring to consolidate, 4892.
 - penalty for violation of act, 4893.
- § 9. *Accident and sickness corporations and societies.*
 - number requisite for organization, 4965.
 - compliance with law required, 4966.
 - articles of corporation, what to state, 4967.
 - name, restriction as to, 4968.
 - application, what to contain, 4969.
 - agents to have certificate of authority, 4970.

INDEX.

(References are to sections.)

INSURANCE COMPANIES — (continued).

- by-laws, what to contain, 4971.
- age of members, 4972.
- annual reports of, 4973.
- reserve fund, 4974.
- duty of insurance commissioner, 4975.
- keeping certificate of authority, 4976.
- vote by proxy, 4977.
- limitation of action, 4978.
- reciprocal penalties, 4979.
- foreign corporations licensed, when, 4980.
- § 10. *Fidelity insurance companies.*
 - fidelity insurance and corporate suretyship, 4904.
 - fidelity insurance company may act as sole surety, 4904.
 - acceptance of such bond, 4905.
 - expenses of bond, how paid, 4906.
 - foreign insurance companies must comply with laws of state, 4907.
 - required to procure certificate, 4908.
 - concurrent undertaking by separate companies, 4909.
 - release from liability, when, 4910.
 - payment of taxes by, pre-requisite for issuance of certificate, 4911.
 - responsibility of companies, 4912.
- § 11. *County mutual companies.*
 - organization of, 4932.
 - board of directors,
 - management of company in, 4933.
 - term of office of, 4933.
 - separate funds for hail and other insurance, 4934.
 - premium by hail insurance, how paid, 4935.
 - conditions of hail insurance policy, 4935.
 - losses in hail insurance,
 - adjusters, 4936.
 - notice of law, 4936.
 - disagreement of adjuster and insured, procedure upon, 4936.
 - sinking funds, provision for, 4937.
 - undertaking given, by other than hail insurance, 4938.
 - notice of loss; contents; adjustments; arbitration, 4939.
 - assessments, basis of; when made, 4940.
 - secretary of state to give notice of, and to collect assessments, 4941.
 - suits for assessments, 4942.
 - individual liability of directors, 4942.
 - authority to borrow money granted, 4943.
 - what may be insured by, 4944.
 - directors, election of, 4945.
 - no votes by proxy for, 4945.
 - how member may withdraw, 4946.
 - nonresidents may become members; cannot be directors, 4947.
 - term of existence, 4948.
 - annual statement to be submitted to members, 4949.
 - to be subject to general insurance law in absence of special provisions, 4950.
- § 12. *Hail insurance companies.*
 - time when hail insurance policies take effect, 4902.
 - exception as to state hail insurance department, 4903.
- § 13. *Mutual hail companies.*
 - foreign mutual prohibited; contracts void, penalty, 4894.
 - mutual insurance company may engage in hail insurance, when, 4895.
 - duties of state treasurer, 4897.
 - penalty, 4898.

INDEX.

(References are to sections.)

INSURANCE COMPANIES — (continued).

- business may be relinquished, how, 4899.
- companies to collect interest on securities deposited, 4900.
- proceedings by persons entitled to benefit of fund, 4901.
- § 14. *Livestock insurance companies.*
 - general laws to govern, 4951.
 - how organized, 4952.
 - management of, 4953.
 - board of directors to elect officers and fix bonds, 4954.
 - members may vote by proxy, 4955.
 - amount of subscribed insurance required, 4956.
- § 15. *Foreign insurance companies.*
 - conditions of admission,
 - articles and statements to be filed, contents of, 4913.
 - company must be legally organized, 4913.
 - commissioner of insurance to be appointed its attorney for service, 4913.
 - agents within state to be residents thereof, 4913.
 - examination of, 4921.
 - authority to do business, how revoked, 4925.
 - foreign agents prohibited from doing business, 4961.
 - reinsurance limited, when, 4962.
 - duty of insurance commissioner as to foreign companies, 4963.
 - penalty, 4964.

INSURANCE, DEPARTMENT OF HAIL.

- department of hail insurance established, 176.
- duties, in general, enumerated, 176.
- duty of commissioner of agriculture to transfer records to hail commissioner, 189a.
- assessors' duty to explain to property owners, 177.
- amount of premium, 177.
- duty of county auditor as to, 178, 179.
- penalty for failure to perform, 187.
- duty of county treasurer as to, 180.
- loss,
 - notice of, 181.
 - adjustment of, 182.
 - payment of, 188.
- official adjusters of losses,
 - appointment, 181.
 - salary, 181.
 - additional compensation, 184.
 - duties, in general, enumerated, 181.
 - report of, 183.
- state treasurer, custodian of hail insurance funds, 185.
- reports,
 - annual report of commissioner, 186.
 - publication, 189.
 - biennial report to legislature, 189.

INSURRECTION.

- resisting execution of process during, 9397.
- resisting officer, during insurrection, 9397.
- obstructing officer, during insurrection, 9398.

INTEMPERANCE, HABITUAL.

- defined, 4385.
- as grounds of divorce; duration of, 4380, 4386.
- appointment of conservator of habitual drunkard, 8890.

INDEX.

(References are to sections.)

INTENT.

- of testator governs interpretation of will, 5685, 5733.
- governing interpretation of contracts, 5899, 5900.
- to deceive anyone misled, when presumed, 5945.
- to defraud, scope of phrase, 10376.
- effect of intoxication on, 9208.
- to commit felony, assault with, 9531.

INTEREST.

§ 1. *In general.*

- defined, 6070.
- presumed loan of money, 6069.
- compound interest defined, 7310.
- may be deducted from loan in advancements, 6075.
- allowance of interest is in the discretion of the jury in certain cases, 7143.
- acceptance of principal as waiver of claim to interest, 7144.
- right to recover interest on damages, 7142.
- on judgment included as costs, 7799.
- on legacies, 5732.
- on municipal bonds for the construction of bridges, 1957.
- on contracts after breach, 6078.
- on disbursements in partition suit, 8082.

§ 2. *Rate of.*

- rate deemed annual, when, 6071.
- legal rate of, 6072.
- when excess of legal rate legalized, 6074.
- rate of, on judgment, 6077.
- limitation of, rate of, to be paid by savings banks, 5197.
- rate of, demanded by banking corporations, 5166.
- maximum rate of, on call deposits of school funds, 1480.
- rate of, in contracts of bottomry, 6801.

INTERPLEADER.

- when to be allowed, 7412.
- when had in garnishment proceedings, 7587.
- substitution of parties by, 7414.

INTERPRETERS.

- employment of authorized, 7925.
- compensation of, 3545.

INTERROGATORIES.

- for commission to take deposition without the state in criminal action; service of, 1105a.
- See Depositions.

INTERVENTION.

- when third persons may intervene in action, 7413.
- how affected, 7413.

INTIMIDATION.

- of public officer, misdemeanor, 9305, 9403.
- attempt to intimidate, 9402.
- of members of legislative assembly, misdemeanor, 9323.
- of employer or employee, misdemeanor, 10240, 10241.

INTOXICATING LIQUOR.

See also Pure Liquor Law.

§ 1. *In general.*

- defined, 10105.
- manufacture and sale forbidden, 10092.

INDEX.

(References are to sections.)

INTOXICATING LIQUOR — (continued).

- exception, 10092.
- place of sale a nuisance; liquors destroyed, 10117.
- procedure for abatement of nuisance; presumptions, penalty, 10118.
- club house prohibited; penalty, 10122.
- evasions of law deemed unlawful, 10123.
- sale of, when deemed a disturbance of religious meeting, 9248.
- selling of, on election day, prohibited, 9292.
- giving or selling liquor at sales of property, forbidden, 10175.
- selling liquor on boat on Sunday, misdemeanor, 10143.
- bootlegging defined and made unlawful, 10144, 10145.
- payments for liquor void, 10139.
- penalty for neglect of duty of attorney, judge or auditor, 10138.
- bonds of person arrested for illegal sale, actions and liability thereon, 10137.
- liability of common carrier, 10138.
- owner of building where liquor sold, liability; penalty, 10135.
- unlawful to advertise, 10133, 10134.
- soliciting orders for liquor, unlawful, 10132, 10132a.
- finer and costs to constitute liens, 10124.
- § 2. *Government license.*
 - tax receipt to be registered, 10146.
 - notice of posting to be published, 10147.
 - copy of receipt to be filed with auditor, 10148.
 - auditor publishes list of licenses, 10149.
 - fees for publication, 10150.
 - owner of premises must publish, when, 10151.
 - duties of officers, 10152.
 - duty of county auditor, 10153.
 - penalty for violation of chapter, 10154.
- § 3. *Druggist's permit.*
 - how obtained, 10093.
 - hearing; application to be published, 10094.
 - bond and oath of applicant, 10095.
 - revocation of permit, 10095.
 - penalty; fees, 10096.
 - cases of emergency, 10097.
 - regulating druggists, 10098.
 - affidavit of necessity, 10098.
 - sales for medicinal, scientific and sacramental purposes, 10098.
 - quantity limited blanks, 10100.
 - affidavits, oaths, etc., to be preserved, 10101.
 - fees, disposition, 10102.
 - penalty, 10103.
 - false affidavit and other violations; penalties, 10104.
 - state's attorney to advise judge as to permit to sell, 10125.
 - druggists prohibited from selling liquor on any terms, when, 10130.
- § 4. *Intoxicating character of liquor.*
 - judicial notice of the intoxicating qualities of whisky, brandy, alcohol and beer, 7938.
 - liquors declared to be intoxicating, enumerated, 10105.
- § 5. *Persons to whom sale forbidden.*
 - treating minor; penalty for, 10131.
 - giving liquor to Indian, misdemeanor, 10140.
 - selling liquor to pauper, how punished, 10142.
- § 6. *Places where liquor forbidden.*
 - prohibited in penitentiary, 11220.
 - not to be allowed prisoners, 11324-11326.
 - delivery of, to persons in jail; penalty, 11324.

INDEX.

(References are to sections.)

INTOXICATING LIQUOR — (continued).

- selling in jail or court house, misdemeanor, 9425.
- introduction of, into state institutes, prohibited, 10174.
- use of, on passenger trains,
 - public use of liquor on trains prohibited, 10170.
 - duty and power of conductor, 10171.
 - jurisdiction of justice of the peace, 10172.
 - duty of railroad company to post placard, 10173.
- § 7. *Effect of intoxication.*
 - effect on criminal intent, 9208.
 - no defense to homicide, 9466.
 - in public places, how punished, 10141.
 - power of cities to prevent, 3599 (44).
 - under commission form of government, 3818 (37).
 - of physician causing death, 9496.
 - employment of intoxicated drivers prohibited, 2053.
 - intoxication of engineer or conductor on duty, misdemeanor, 9780.
 - person under the influence of, not to be married, 4376.
- § 8. *Prosecutions for violation of law.*
 - as to enforcement of law by temperance commissioner, see **Temperance Commissioner.**
 - duty of peace officer to apprehend and notify violators, 10107.
 - duty of state's attorney; seizure and arrest; authority of justice, 10108.
 - information to be filed; trial; penalty, 10109.
 - fees; how paid, 10110.
 - state's attorney to prosecute; fines to be put in special fund, 10111.
 - attorney-general to prosecute, when, 10112.
 - assistants for state's attorney, 10126.
 - speedy judgment to be rendered, 10127.
 - form of proceeding, 10128.
 - presumptive evidence; government receipt, 10128.
 - court's duty; to charge grand jury, 10129.
 - enforcement of law, local officer not relieved of duty by provision for temperance commissioner, 619.
 - inspection of freight and express company's books in aid of prohibition law, 10176.
- § 9. *Seizure.*
 - peace officers to seize, with or without warrant, 10113.
 - where seizure is made without warrant, 10114.
 - unusual quantity presumptive evidence, 10115.
 - duty of magistrate and state's attorney, 10116.
- § 10. *Search for.*
 - contents of affidavit for return, 10119.
- § 11. *Action for causing intoxication.*
 - liability of person causing, 10120.
 - right of action; injured person, 10121.

INVESTMENT COMPANIES.

- defined, 5221.
- documents to be filed with secretary of state, 5222.
- verification and certification of documents, 5223.
- consent to service of process on secretary of state to be filed, 5224.
- examination by state examiner, character of report, 5225.
- conditions precedent to transacting business, 5226.
- registration of agents, 5227.
- appeal from examiner's refusal to grant favorable statement, 5228.
- reports to be filed by, 5229.
- accounts of, how kept, 5230.
- supervision of, by state examiner; fees for, 5230.

INDEX.

(References are to sections.)

INVESTMENT COMPANIES — (continued).

- impairment of assets, receivership, 5232.
- penalty for false statement or entry, 5233.
- penalty for failure to comply with law, 5234.
- fees and expenses of state examiner, 5235.

IN VIEW OF DEATH.

- definition of phrase, 5541.
- gifts made, 5540-5545.

IODINE.

- any product containing, must be labeled, 2942.

IRRIGATION.

- as to waters generally, see Waters.

§ 1. *In general.*

- procedure for establishing a system of irrigation in townships, 4262.
- right to take property by eminent domain for irrigation purposes, 8203.
- unauthorized diversion of water from ditch, prohibited, 10044.
- punishment; jurisdiction of justice, 10045.

§ 2. *Irrigation code.*

- waters of the state are public waters, 8235.
- beneficial uses of, appurtenances, 8236.
- priority of claims, 8236.
- eminent domain, 8237.
- reclaiming waters, 8238.
- duties of state engineer as to irrigation, 8239-8243.
- fees of state engineer, 8344.
- rules and regulations relating to permits of water, 8245.
- appeal to board of water commissioners, 8247.

§ 3. *Determination of water rights.*

- hydrographic surveys and co-operation, 8248.
- suits for adjudication of water rights, 8249.
- parties and costs of suits, 8250.
- funds for hydrographic surveys, 8251.
- filing of decree adjudicating water rights, 8251.

§ 4. *Appropriation of water.*

- application for water right, 8252.
- filing and correction of application, 8254.
- publication of notice, 8255.
- approval of application, 8256.
- rejection and appeal, 8257.
- prosecution of work, 8258.
- completion of work, 8259.
- certificate of completion, 8260.
- inspection of works, 8261.
- use of unsafe works, 8262.
- application to beneficial use, 8263.
- extension of time, 8264.
- assessment of permit or license, 8265.
- transfer of water records, 8266.
- referee in water suits, 8267.
- attorney-general and state's attorney to be advisors of state engineer, 8268.
- charge for carrying and delivering water, 8269.
- appropriation of water by the United States, 8270.

§ 5. *Regulating use of water.*

- water may be appropriated, 8271.
- procedure, 8272.

INDEX.

(References are to sections.)

IRRIGATION — (continued).

- approval of state engineer, 8273.
- amount allowed, 8274.
- acre foot defined, 8274.
- § 6. *Water commissioners.*
 - water divisions of the state, 8275.
 - appointment of water commissioners authorized, 8276.
 - duties of water commissioners, 8277.
 - board of water commissioners, 8278.
 - pay of water commissioners, 8279.
 - water district, 8280.
 - water masters, 8281.
 - appeals to state engineer, 8282.
 - pay to water masters, 8283.
 - reports of water masters, 8284.
- § 7. *Miscellaneous provisions.*
 - units and measurements, 8285.
 - abandonment, 8286.
 - amount of water for irrigation, 8287.
 - water appurtenant of land for irrigation, 8288.
 - change of use or place of measuring devices, 8289.
 - unlawful interference with right to use water, 8290.
 - unlawful use of water and waste, 8291.
 - bridges over ditches and canals, 8292.
 - obstructing works, 8293.
 - penalty for misdemeanors under this article, 8295.
 - liens on land, 8296.
 - seepage water, 8297.
 - right of way over state lands, 8298.
 - disposition of state lands, 8299.
 - appropriations, 8300.
 - duty of state engineer to co-operate with county commissioner when requested, 8301.
- § 8. *Establishment and maintenance of dams.*
 - dams for mills or irrigation purposes, 8304.
 - petition to the court, 8305.
 - appointment of commissioners, 8306.
 - notice of meeting, 8307.
 - preliminary survey, 8308.
 - report of proceedings, 8309.
 - payment of damages, 8310.
 - appeals; bond, 8311.
 - bond approved by clerk, 8312.
 - matters to be submitted to jury, when, 8313.
 - exemplary damages, 8314.
 - judgment, 8315.
 - water power not to be injured, action for judgment, 8316.
 - who may maintain dam, 8317.
 - suit to be suspended, when, costs, 8318.
 - survey and examinations, 8319.
 - when construction must commence, 8320.
- § 9. *Water user's association.*
 - state or municipality may join association; fees for recording articles of incorporation, 8202.
 - right of way granted, 8303.

ISLANDS.

- ownership of, in navigable streams, 5475.
- formed in unnavigable streams, owner of, 5476.
- formed by new channel. 5477.

INDEX.

(References are to sections.)

ISSUES.

See generally, Trial.

in justice's court, see Justice of the Peace.

§ 1. *In general.*

feigned, abolished, 7357.

— order for trial to state issues, when, 7357.

origin and classes of issues, 7603.

both classes may arise in same action, 7606.

— order of trial, 7606.

trial as judicial examination of the issues, 7607.

§ 2. *Issues of law.*

arise, when, 7604.

by whom triable, 7608.

when triable, 7350.

§ 3. *Issues of fact.*

arise, when, 7604.

classified, 7605.

by whom triable, 7608, 7606.

when triable, 7350.

in criminal trial,

arises, when, 10769.

how tried, 10770.

JAILS.

§ 1. *General provisions regulating.*

to serve as prisons, when, 11321.

commitment when no jail in county, 11322.

county commissioners as jail inspectors, 11313, 11323.

liquor not to be allowed prisoners, 9425, 11324.

penalty for sheriff violating, 11325.

— penalty for other persons, 11326.

jailer's duty to keep jail clean, 11327.

bible to be furnished each inmate, 11328.

sheriff to furnish court with copy of jail register, 11329.

transfer of prisoners to another county, 11356.

fugitives to be kept in any, 11357.

care of juvenile prisoners, 11358.

escape from, jurisdiction of, 10515.

how constructed, 11330.

property of, as exempt from taxation, 2078.

§ 2. *Power and duties of municipalities as to.*

duty of county commissioners to provide, 3293.

power of cities to use the county jail, 3599 (53).

power of cities to establish a city jail, 3599 (52).

power of cities under commission form of government to erect, 3818 (47).

establishment of jails in villages, 3861 (12).

power of townships to provide, 4274, 4275.

§ 3. *Rules.*

district court judges to prescribe rules for, 11304.

rules to be printed, where filed, 11305.

sheriff to post rules, 11306.

judges may amend rules, 11307.

§ 4. *Duty of sheriff as to.*

sheriff to have charge of jail, 11308, 11355.

to keep and furnish court with jail register, 11309, 11329.

— to make jail report, 11310.

to post rules, 11306.

to provide board and necessaries, 11314.

INDEX.

(References are to sections.)

JAILS — (continued).

- to visit jail monthly, 11315.
- liability of sheriff for neglect of duty, 11317.
- § 5. *Duty of grand jury as to.*
 - charge of court to grand jury as to, 11311.
 - duty of grand jury to visit jail, 11312.
 - duty of grand jury as to examination of jails, 11350.
- § 6. *Jailer.*
 - keeper of jail to be sheriff or deputy, 11316.
 - liability of jailer for neglect of duty, 11317.
 - duties of jailer to keep jail clean, 11327.
 - liability of keeper of, for unlawful confinement of insane person, 9731.
 - exemption of jailer from jury duty, 814.
- § 7. *Fees for keeping prisoners in.*
 - county board to allow charges for keeping prisoners, 11352.
 - fees for boarding and keeping United States prisoners, 3518, 3519.
 - sheriff's fees for boarding prisoners, 3514.

JEOPARDY.

- defendant not to be placed twice in, 10394.
- plea of, 10746.
- plea of, not allowed, when, 10845.
- former acquittal or conviction bar, 10754.
- acquittal or conviction in another state or county as, 10330, 10512, 10513.
- summary arrest at election no defence to prosecution for offence, 9277.

JETTISON.

- defined, 6225.
- regulation of, 6225-6230.

JOINDER.

- of actions, see Actions, § 1.
- of parties, see Parties, § 1.

JOINT DEBTORS.

- summoned after judgment, when, 7850-7855.

JOINT TARIFFS.

- to be filed with railroad commissioners, 4727.

JOINT TENANCOY.

- defined, 5262.

JUDGE OF ELECTION.

- See Elections, § 7; Elections, Primary, § 4.

JUDGMENT.

- in justice's court, see Justice of the Peace.
- in criminal actions, see Criminal Procedure, § 13.
- in arbitration, see Arbitration, § 4.
- § 1. *In general.*
 - defined, 7599.
 - in special proceedings defined, 8444.
 - not to exceed claim made in complaint, 7680.
 - against several defendants. 7679.
 - in action against several debtors not all served, 7435.
 - entitled to record, when, 5546.
 - on counterclaim, when, 7679.

INDEX.

(References are to sections.)

JUDGMENT — (continued).

- when directed by court, 7643.
- on report of referee, 7650.
- how pleaded, 7460.
- amending of pleadings before or after, 7482.
- rate of interest on, 6077.
- procedure in civil actions where judgment on same claim is rendered in another suit, 7602.
- costs, taxed in, 7793.
- against surety for costs, 7817.
- certain judgment legalized, 5581.
- in justice's court,
 - justice to give abstract of, 7705.
 - duty of clerk of district court, 7705.
- § 2. *Offer and confession of.*
 - offer of,
 - effect of, 7856.
 - on counterclaim, 7857.
 - of fixed damages, 7858.
 - effect of plaintiff's refusal, 7859.
 - costs, 7859.
 - confession of judgment without action,
 - for what judgment confessed, 8477.
 - verified statement, contents of, 8478.
 - procedure in court, 8479.
 - execution, 8479.
 - partners cannot confess, 6404.
- § 3. *By default.*
 - on failure to answer, 7445, 7600.
 - where defendant served notice of appearance and not answer, 7600.
 - on answer upon failure to reply, when, 7453.
 - on frivolous pleading, 7601.
 - to defendant for delay on part of plaintiff, 7679.
 - for excess of claim over counterclaim, 7600.
 - by default, how given, 7351.
- § 4. *Effect of death of party to action.*
 - death of party before, 7681.
 - when revived after death of party recovering, 7409.
- § 5. *Entry, judgment roll, docket.*
 - entry of,
 - entry by clerk or losing party, 7667-7677.
 - notice of entry, how served, 7678.
 - judgment book, 7685.
 - entry not to be stayed, 7687.
 - in judgment book, how entered, 7686.
 - judgment roll,
 - contents of, 7688.
 - instruction to be part of, 7689.
 - other papers to be part of, 7690.
 - judgment roll in certiorari proceedings, 8456.
 - how made up on issue of law, 7642.
 - how docketed, 7699.
 - judgment of federal court, 7696-7698.
- § 6. *Lien; transcript; renewal.*
 - lien of,
 - extent of; docketing in other counties, 7691.
 - for trespass of animals, 8504.
 - of judgment of United States court, 7697.

INDEX.

(References are to sections.)

JUDGMENT — (continued).

- transcript,
 - when transcript to be docketed in another county, 7691.
 - duties of clerk upon filing of transcript, 7695.
- renewal of,
 - continuance of lien, 7692.
 - affidavits, who may make, 7693.
 - clerk to enter affidavits, 7694.
- § 7. *Conclusiveness of.*
 - annulling marriage against whom conclusive, 4372.
 - conclusiveness of decree admitting will to probate, 8650.
 - conclusiveness of final decree for distribution of decedent's estate, 8855.
- § 8. *Power of court as to.*
 - court may grant relief from, when, 7483.
 - power of supreme court as to, on appeal, 7844.
 - power of county court to open, vacate or modify a judgment or decree, 8534 (7).
 - judgments notwithstanding verdict in county court of increased jurisdiction, 8959.
- § 9. *Reversal; vacation; satisfaction; assignment; discharge.*
 - reversal,
 - not to be reversed for trivial defect, 7485.
 - effect of reversals of, upon statute of limitation, 7388.
 - vacation,
 - how vacated, 7354.
 - right to vacate judgment in condemnation proceedings instituted by cities, 3737.
 - satisfaction of,
 - where person having authority to satisfy cannot be found, 7707.
 - pending suit, effect of, 7709.
 - of attachment, how satisfied, 7563.
 - assignment of,
 - to be entered on judgment book, 7700.
 - cancellation and discharge,
 - manner of, 7701.
 - duty of clerk of court upon cancellation and discharge of judgment, 7702, 7703.
 - no fee to be charged by clerk, 7704.
 - judgment against bankrupt, procedure, 7710.
 - certificate of clerk of bankruptcy court as prima facie evidence, 7711.
 - set-off of mutual, 7706.
- § 10. *Enforcement; action on.*
 - by execution, 7714.
 - execution, stay of, 7687.
 - proceedings after, against joint debtors, 7850-7855.
 - actions upon, when commenced, 7356.
 - limitation of actions on, 7374.
- § 11. *Judgments of United States courts.*
 - docketing of, in clerk of district court's office, 7696.
 - lien from date of docketing, 7697.
 - construction of article, 7698.
- § 12. *Fees.*
 - for filing and docketing of transcript of judgment from justice's court in the district court, 3498.
 - for filing and docketing in district court a transcript of judgment from another county, 3498.
 - for filing or entering affidavit or other papers for renewal of judgment, 3498.
 - fee of clerk of district court for certifying transcript of judgment, 3498.
 - for entering satisfaction of judgment, 3498.
- § 13. *In various actions and proceedings.*
 - in actions relative to real property,
 - against lands sold for state or county taxes, 2311, 2313, 2315, 2316, 2346.

INDEX.

(References are to sections.)

JUDGMENT — (continued).

- in actions relative to real property — (continued).
 - in partition action, 8031.
 - on referee's report in partition, 8038.
 - of foreclosure, what to contain, 8100.
 - in actions to quiet title, 8154.
 - adjustment of cross, in actions to quiet title, 8155.
- in condemnation proceedings,
 - when to be paid, 8226.
 - when deposited, 8227.
 - for sale of real property to direct delivery to purchaser, 7683.
 - to contain transfer of title or discharge of incumbrance, when, 7684.
- against state, county, municipality, district, or officer thereof,
 - against state, how collected, 8177.
 - against county, how paid, 3251.
 - payment of judgments recovered against townships or township officers, 4234, 4235.
 - tax levy to pay judgments rendered against the city, 3681.
 - payment of judgments rendered against villages, 3868.
 - levy of tax to pay judgment against school district, 1223.
 - maximum levy of tax to pay judgment against school district, 1227.
- garnishment,
 - in garnishment proceedings, 9068.
 - when not rendered in garnishment proceedings, 7584.
 - when rendered against garnishee, 7576.
- as to insolvent corporation,
 - against insolvent corporation, form of, 8007-8011.
 - against insolvent corporations, where filed, 8011.
 - of dissolution of insolvent corporation, 8013.
- against estates of decedents,
 - effect of the recovery of judgment on a claim presented against the estate of a decedent, 8745.
 - enforcement of judgments against decedent's estate, 8745, 8746.
 - effect of judgment against personal representative of decedent which was pending at death of decedent, 8806.
 - effect of judgment against a decedent, after verdict or decision, but before judgment, 8808.
 - against non-resident intestate, 7410.
- in miscellaneous civil actions,
 - on award of arbitrators, 8337-8339.
 - in proceedings in controversy without action, 8481, 8482
 - to recover personalty, what to contain, 7682.
 - for foreclosure of lien on personalty, 8141.
 - in quo warranto proceedings, 7974.
 - in action for support of married woman, 8170.
 - in proceedings to establish dams, 8315.
 - of dissolution of partnership, 6417.
 - forfeiture and eviction in waste, to whom granted, 8168.
 - in action of nuisance, 8166.
 - in actions for penalties and forfeitures, 8016, 8019.
 - for injuries caused by violating article on heading and driving, 2612.
 - in action for trespass of cattle, 2630-2632, 8504.
 - against owner of land for failure to destroy noxious weeds, 2819.

JUDGES.

- of supreme court, see Courts, Supreme, § 3.
- of district court, see Courts, District, § 4.
- of county court, see Courts, County, § 3; Courts, County Court with Increased Jurisdiction, § 3.

INDEX.

(References are to sections.)

JUDGES — (continued).

- as to justices of the peace, see Justice of the Peace.
- as to police magistrate, see Cities, § 18.
- powers and duties as magistrate, see Magistrate.
- no party ballot for judiciary, 904.
- separate ballot for judicial nominations at primary election, 905.
- separate ballot for, at general elections, 906.
- right to take acknowledgments, 5564.
- right to solemnize marriages, 4361.
- attempt to intimidate, 9403.

JUDICIAL DISTRICTS.

- See Courts, District, § 2.

JUDICIAL NOTICE.

- See Evidence, § 2.

JUDICIAL RECORDS.

- admissibility of, 7911, 7912.

JUDICIAL SUBDIVISION.

- as used in code of criminal procedure, includes what, 11180.

JUNK STORE.

- licenses, taxes and regulations in cities, 3509 (74).
- under commission form of government, 3818 (69).

JURISDICTION.

- of supreme court, see Courts, Supreme, § 2.
- of county court, see Courts, County, § 2; Courts, County Court with Increased Jurisdiction, § 2.
- of district court, see Courts, District, § 3.
- of juvenile court, see Courts, Juvenile, § 2.
- of military courts, see Militia, § 30.
- of justice's court, see Justice of the Peace, § 4.
- of city justice of the peace, see Justice of the Peace, § 12.
- of village justice of the peace, see Justice of the Peace, § 13.
- of township justice of the peace, see Justice of the Peace, § 14.
- of justice of peace, see Justice of the Peace, § 4.
- of police magistrate, see Cities, § 18.
- of crimes, see Criminal Actions.
- of state,
 - over persons within, 15.
 - over lands of United States, 2.
 - ceded to United States over lands acquired for military post, 4.
- of court, when acquired, 7438.
- of court as grounds of demurrer, 7442.
- local, of challenges and fights, 10519.
- presumption of jurisdiction of military courts, 2404.

JURORS.

§ 1. In general.

- right of state to require service of, without compensation, 7.
- how summoned, 815.
- appearance mandatory, 828.
- penalty, 832.
- departure from court, when allowed, 828.

INDEX.

(References are to sections.)

JURORS — (continued).

venire for, how served, 827.
when court may order jurors to be summoned, 829.
summons to complete special panel, 830.
penalty for failure or refusal to appear, 832.
qualifications of, 814.

§ 2. *List of jurors, how made up.*

apportionment of number of jurors to townships, cities, villages, etc., 817.
meeting of board for selection of names for list, 819.
names for list, how selected, 820.
record of those selected to be made, 820.
list to be furnished to clerk of court, 821.
negligence of municipal officers not to invalidate lists, 821.
number of names on, to be kept at maximum, 826.
special venire to complete list, when, 818.

§ 3. *Exemptions.*

in general, 814.
members of state militia from jury duty, 2430.
officers and employees of penitentiary, 11183.
officers and employees of state reform school, 11186.

§ 4. *Selection of, how made.*

citizens to be selected in rotation, 830.
formation of county board to select, 822.
attorneys to be given notice of meeting to select, 822.
manner of selecting, 823, 824.

§ 5. *Crimes by or in regard to jurors.*

receiving bribe, punishment, 9341.
misconduct of, what is, 9342.
attempt to influence, misdemeanor, 9344.
drawing fraudulently, misdemeanor, 9346.
misconduct of officer in charge of, misdemeanor, 9347.
attempt to intimidate, 9402.

JURY.

See Grand Jury; Jurors.
formation of trial, in criminal action, see Criminal Procedure, § 10.
verdict of, see Trial.

§ 1. *In general.*

when trial by, required, 7608, 7609.
how waived, 7637.
in actions for trespass by cattle, 2632.
in condemnation proceedings, 8216.
trial by, in bastardy proceedings, 10490.
duties of juries, as to presumptive evidence, 7924.

§ 2. *Formation of trial jury.*

jury ballots, 7613.
clerk to draw jury, 7614.
oath of jurors, 7618.
challenges,
classified, 7615.
by whom made, 7615.
for cause, grounds of, 7616.
trial of, 7617.

§ 3. *Instructions and deliberation of.*

instructions to, 7620, 7621.
view by, 7622.
admonitions to, 7623.
may take what papers on retirement, 7624.

INDEX.

(References are to sections.)

JURY — (continued).

conduct in retirement, 7625.
instruction on disagreement, 7626.
may bring in sealed verdict, when, 7627.
sick juror discharged, 7627.
how polled, 7630.

§ 4. Fees.

fees allowed for attendance in court, 3534.
sheriff's fees for summoning, 3514.

§ 5. In county court with increased jurisdiction.

jury trial may be demanded, 8956.
right to, in criminal trial, 8966.
— waiver, 8966.
how composed in county courts with increased jurisdiction, 8967.
number of challenges in criminal actions in county court, 8967.

§ 6. In justice's court.

in civil cases,
waiver of jury, 9074, 9076.
deposit for, 9077.
how composed, 9078.
how drawn, 9079.
venire, how served, 9080.
talesman, 9081.
examination of jurors, 9082.
challenges, 9083.
oath to jury, 9084.
duties of jury, 9085.
when discharged, 9086.
questions of law, 9087.
oath to officer in charge, 9088.
verdict, 9089, 9090.
disagreement procedure, 9091.
in criminal trial in justice's court, 9149-9151.

§ 7. In police court.

procedure, 3660.
fees, 3660.

JUSTICE COURT.

See Justice of the Peace.

JUSTICE OF THE PEACE.

as to police magistrate, see Cities, § 18.
as to boards of conciliation, see Conciliation, Boards of.

§ 1. In general.

election, 3257.
provisions for appointment of additional, 3258.
right to hold office upon organization of new county, 3207.
office of justice of the peace to be maintained, where, 9003.
court always open, 9004.
bond, 660, 663.
schedule of fees, 3530.
fee bill to be posted, 3549.
fees allowed in matter of estrays, 3541.
right to require fees to be paid in advance or security given, 3548.
no fees in criminal actions, 10535.

fees of juror for attendance in justices' court, 3534.

sheriff fees for attending court, 3514.

— for performing duties required by law, 3516.

judicial notice as to persons who are, 7935

evidence of transcript of record from, 7914, 7915.

INDEX.

(References are to sections.)

JUSTICE OF THE PEACE — (continued).

§ 2. Powers.

- in general, 9005.
- to act as coroner, 3418.
- to employ clerk, when, 9004.
- to issue subpoena, 7872.
- to administer oaths, 833.
- to take acknowledgments, 5564.
- to take deposition, 7891.
- to solemnize marriages, 4361.
- to issue warrant for calling meeting of corporation, 4553.

§ 3. Duties.

- as to issuance of warrants, 10535.
- for abatement of nuisance, when, 420.
- to issue summons in proceedings to collect road tax, 1965.
- when road overseer has made complaint for failure to pay road tax, 2023.
- as to stolen money or property, 11095.
- as to prohibition cases, 10108.
- as to removal of pauper, 2515.
- in respect to estrays, 2664.
- in respect to glandered animals, 2722, 2723, 2732.
- when Texas cattle are spreading disease, 2676.
- to keep abstract of judgment, 7705.
- to assist in canvass of votes, when, 1009.
- to assist in filling vacancies in township offices, 696.
- to keep fee bill posted, penalty, 3549.

§ 4. Jurisdiction.

- in general, 9006, 9007.
- of city justice of the peace, 3667.
- of village justice of the peace, 3917, 4070.
- of township justice of the peace, 4163, 4231.
- to act as magistrate, 10402.
- in unorganized counties, 9008.
- in case of fouling public trees, 10227.
- in prosecutions for speculation in office, 10190.
- of violation of law relative to use of liquor on passenger trains, 10172.
- prosecution by, in opium cases, 10179.
- for evidence of diverting water from irrigation ditch, 10049.
- profanity in presence of, summary conviction, 9227.
- as to title in real property, 9055.
- procedure where title to real property is involved, 9055-9057.
- of successor to justice, 9016.

§ 5. Practice and procedure.

- practice,
 - process to be issued without blanks, 9010.
 - docket and entries, 9011.
 - evidence of, 9012.
 - to be indexed, 9013.
 - to be deposited with successor, 9014.
 - where deposited when vacancy occurs, 9015.
- justice's code,
 - title, 9001.
 - application, 9002.

§ 6. — procedure in civil actions.

- code of civil procedure, how far applicable, 9009.
- practice where title to realty is involved, 9055-9057.
- where township board of health has been denied access to premises, 4180, 4181.

INDEX.

(References are to sections.)

JUSTICE OF THE PEACE — (continued).

- commencement of action,
 - where commenced and tried, 9017.
 - minor's appearance, how made, 9018.
 - action, how commenced, 9019.
 - security for costs, how given, 9020.
 - non-resident, 9020.
 - summons, what to contain, 9021.
 - attorney's name on summons, 9022.
 - time for defendant's appearance, 9023.
 - summons, how served, 9024.
 - fees for service, 9024.
 - summons in other counties, how served, 9025.
 - service of summons, how made, 9026.
 - by publication, 9027.
- appearance,
 - in person or by attorney, 9028.
 - one hour for appearance, 9029.
 - minor's appearance, how made, 9018.
- pleadings,
 - what constitutes, 9039.
 - order of, 9040.
 - complaint, 9044.
 - demurrer, when, 9045.
 - proceedings after demurrer, 9046.
 - answer, 9047.
 - demurrer to answer, 9048.
 - proceedings after demurrer to answer, 9049.
 - amendments to pleadings, when allowed, 9050.
 - demurrer to amended pleadings, when allowed, 9051.
 - exhibits attached to complaint,
 - genuineness of, how admitted, 9052.
 - to be in writing and verified, 9054.
- issues,
 - how classified, 9041.
 - issues of law, how arise, 9042.
 - determined by court, 9043.
- postponement,
 - by court on own motion or application of party, 9032.
 - by consent, 9033.
 - by application, 9034.
 - time of, 9035.
- change of venue,
 - when may be made, 9036.
 - one change only on application of same party, 9037.
 - proceedings on change of trial, 9038.
 - jurisdiction, 9038.
- discontinuance,
 - what constitutes, 9030.
- trial,
 - when deemed commenced, 9030.
 - procedure when other justices called in, 9031.
 - genuineness of exhibits, how admitted, 9052.
 - affidavit of amount due prima facie evidence, 9052.
- trial of issue and fact,
 - when issue of fact arises, 9073.
 - issue of fact, how tried, 9074.
 - trial, when commenced, 9075.

INDEX.

(References are to sections.)

JUSTICE OF THE PEACE — (continued).

trial of issue and fact — (continued).

jury,

- how waived, 9076.
- deposit for, 9077.
- how composed, 9078.
- how drawn, 9079.
- venire, how served, 9080.
- talesmen, 9081.
- examination of jurors, 9082.
- challenges, 9083.
- oath of, 9084.
- duty of, 9085.
- when discharged, 9086.
- questions of law to be determined by justice, 9087.
- oath of officer in charge of jury, 9088.
- verdict of, 9089.
- verdict, form of, 9090.
- proceedings upon disagreement, 9091.

judgment,

- motion in arrest of, not entertainable, 9092.
- by confession, 9093.
- by default, 9094.
- for plaintiff in certain other cases, 9095.
- affecting personal property, 9096.
- of dismissal, 9097.
- how set aside, 9098.
- by the court, when entered, 9100.
- excesses of judgment, 9101.
- in claim and delivery, 9102.
- in attachment, 9103.
- in forcible detainer, 9104.
- offer of; costs, 9105.
- abstract of, 9109.
- fees, 9109.

costs,

- how taxed, 3547, 9106.
- when not allowed, 9107.

attorney's fees, 9108.

stay of execution,

- when issuable, 9110.
- how effected, 9111.
- effect of the legal execution, 9112.
- execution after stay, 9113.
- no appeal after taking stay, 9114.

executions,

- when issued, 9115.
- for money, 9116.
- requisites of, 9117.
- contents of, 9118.
- against exempt property, 9119.
- for personal property, 9120.
- in forcible detainer, 9121.
- execution for specific property, 9122.
- sale of property under execution, 9123.
- renewal of, 9124.
- justice to receive money collected, 9125.

INDEX.

(References are to sections.)

JUSTICE OF THE PEACE—(continued).

- provisional remedies,
 - attachment, when writ issued, 9058.
 - undertaking, 9059.
 - requisites of, 9060.
 - service and return of writ, 9061.
- claim and delivery, proceedings in, 9062.
- garnishment,
 - procedure, 9063.
 - form of summons, 9064.
 - summons, how served, 9065.
 - filing of affidavit, 9066.
 - transfer of proceedings, duty of justice, 9067.
 - when court may render judgment, 9068.
- forcible detainer,
 - when maintainable, 9069.
 - notice to quit, 9070.
 - legal representative may bring action, 9071.
 - no joinder of action, 9072.
 - counterclaim, 9072.
- § 7. — *procedure in criminal actions.*
 - criminal actions, how prosecuted, 9130.
 - proceedings to be entered on docket, 9131.
 - complaint, 9132.
 - to be sworn to, 9133.
 - form of, 9134.
 - form of warrant, 9135.
 - duty of officer upon receiving warrant, 9136.
 - service of warrant, how made, 9137.
 - counsel for defendant, 9138.
 - postponement of trial, 9139.
 - bail, 9140.
 - change of venue, 9141.
 - duty of justice on change, 9142.
 - jurisdiction of justice, 9143.
 - defendant present, 9152.
 - complaint to be read, 9144.
 - name of defendants, 9145.
 - plea, form and entry of, 9146.
 - plea of guilty, 9147.
 - duty of justice, 9148.
 - issues, when tried, 9148.
- jury,
 - how formed, 9149.
 - challenges, 9150.
 - oath of, 9150.
 - verdict of, 9153.
 - when several defendants, 9154.
 - entry of verdict, 9155.
- discharge of defendant, 9156.
- conviction of defendant, 9157.
- judgment, how enforced, 9159.
- judgment of imprisonment, 9160.
- certified copy of judgment, 9161.
- finis paid; duty of justice, 9162.
- right of appeal, 9158.

INDEX.

(References are to sections.)

JUSTICE OF THE PEACE — (continued).

§ 8. Appeals.

in civil actions,

- to district court, authorized, 9163.
- appeals of questions of law, 9164.
- undertaking on appeal, 9165.
- stay of execution on appeal, 9166.
- stay in forcible detainer, 9167.
- money in lieu of undertaking, 9168.
- exception to insufficiency of surety, 9169.
- appeal to be filed with clerk, 9170.
- proceedings on, 9170.
- execution stayed by appeal, 9171.
- action to be tried in district court, 9172.
- appeal dismissed; proceedings on dismissal, 9173.
- time of appeal; bond, 9174.
- appeal as in civil action, 9175.
- bond, 9176.
- approval of, 9177.
- witnesses placed under bond, 9178.

in criminal actions,

- justice transmits appeal, 9179.
- new trial, proceedings upon grounds of, 9180.
- appeal in criminal actions not to be dismissed, 9181.
- right of, 9158.

§ 9. Contempts.

- acts constituting, 9126.
- trial for contempt, 9127.
- punishment for, 9128.
- conviction entered on docket, 9129.

§ 10. Accountings.

- quarterly reports to be made by, 9182.
- contents of report, 9183.
- moneys to be paid to county treasurer, 9184.
- penalty for failure, 9185.
- failure to render report a crime, 9186.

§ 11. Penalties.

- failure to perform duties of officer, guilty of misdemeanor, 9835.
- purchasing claim to bring suit thereon, misdemeanor, 9413.
- making advances on claims for collection, misdemeanor, 9414.
- forfeiture of office for offence, 9415.
- buying claims or evidence of debt to bring suit thereon, prohibited, 9413-9418.

§ 12. City justice of the peace.

- election, term of office, 3610, 3611.
- jurisdiction, 3667.
- process, who may serve, 3606.
- appeals to the district court, 3657.
- vacancy, how filled, 3658.

§ 13. Village justice of the peace.

- as a peace officer, 3924.
- compensation, 3895.
- jurisdiction,
 - in general, 3917.
 - of actions in violation of rules and regulations of village park board, 4070.
- powers and duties,
 - in general enumerated, 3924.
 - to keep court open every day, 3924.

INDEX.

(References are to sections.)

JUSTICE OF THE PEACE — (continued).

powers and duties — (continued).

acts that may be performed on Sunday, 3924.

to summon and enforce the attendance of witnesses, 3921.

as to enforcing obedience to orders and judgments, 3927.

to fine or imprison for contempt, 3927.

procedure,

upon complaint in criminal action, 3918.

in actions not specially provided for, 3930.

hearing upon complaint in criminal action, 3918, 3919.

trials,

how governed, 3922.

postponement of, 3920.

defendant's undertaking for appearance, 3920.

jury and jury trial,

procedure for summoning jury, 3927.

fees of jurors, 3928.

judgment,

where defendant is found guilty of an offence under the ordinances of the village,
3923.

punishment for violation of village ordinances, 3926.

costs, taxation where defendant is found guilty, 3929.

appeals to district court,

procedure, 3925, 3927.

bond, 3927.

§ 14. Township justice of the peace.

number, 4087.

election, 4087.

term of office, 4087.

oath of office, 4161.

bond, 4161.

jurisdiction,

in general, 4163.

of proceedings in behalf of the township, 4231.

procedure in civil and criminal proceedings, 4164.

procedure where board of health has been denied access to premises, 4180, 4181.

vacancies, how filled, 4173.

JUSTICES OF SUPREME COURT.

See Courts, Supreme, § 3.

JUSTIFIABLE.

homicide is, when, 9502, 9503.

JUVENILE COURTS.

See Courts, Juvenile.

JUVENILE PRISONERS.

care of, 11358.

KEROSENE.

judicial notice of the inflammable character of, 7938.

KIDNAPPING.

defined, 9514.

selling services of other persons, 9515.

removing from state persons held to service, 9516.

— liability of officer issuing warrant for, 9517.

jurisdiction of, 10508.

INDEX.

(References are to sections.)

KINDERGARTEN.

See Schools and School Districts, § 10.

KNOWINGLY.

defined, 10361.

LABEL.

See also Marks and Brands; as to marks and brands on animals, see Animals, § 2.
on foods regulated, 2880.

on packages of fertilizers, 2890.

to be placed on shipment of nursery stock, 2826.
upon seeds, 2898.

to be placed on liquors, 10158, 10159.

to be placed on diseased meat, 2898.

failure to label foods as adulterated, 2880.

fraudulent use of, on bottles, 9720.

failure to label drugs and medicines, misdemeanor, 9758.

LABOR.

of children, see Child Labor.

of inmates of state institution to be utilized, when, 282.

of convicts prohibited, when, 11274.

prohibited on Sunday, 9236.

LAND.

See Public Lands; Property, Real.

defined, 5250.

below high water mark, ownership of, 5255.

ownership of, includes water, what, 5341.

possession not necessary to mortgage, 9407.

subject to mechanic's lien, 6823.

to be platted into lots as required, 2214.

in suit, buying, unlawful, 9405.

returning to, after removal, misdemeanor, 9823.

buying pretended title, unlawful, 9406.

unlawful intrusion upon, misdemeanor, 9824.

forcible entry and detainer, misdemeanor when, 9822.

LAND CONTRACTS.

foreclosure,

owner must give written notice to vendee or purchaser, 8119.

in case of default, contents of notice, 8120.

notice, how served, 8121.

time allowed, 8122.

LAND GRANT.

of Congress, to be accepted for benefit of agricultural college, 1617.

LANDLORD AND TENANT.

§ 1. *In general.*

obligations of lessor of dwelling, 6090.

when lessee may repair or vacate, 6091.

hiring of realty presumed for one year, 6092.

— of lodgings for rent term, 6093.

when hiring presumed to be renewed, 6094, 6095.

acceptance of, as renewal of lease, 6094.

notice of adverse proceedings, 6097.

INDEX.

(References are to sections.)

LANDLORD AND TENANT — (continued).

- duplicate letting of room prohibited, 6099.
- written notice before removal of property, 6099.
- effect of payment of taxes by tenant, 2210.
- assigns of lessor or lessee, limits of, 5346.
- certain property held to belong to lessee, 2118.
- when tenant may remove fixtures, 5472.
- attornment of tenant not necessary, 5525.
- when possession of tenant deemed adverse, 7370.
- tenancy, termination of, notice, 5325-5329.
- tenant for years or at will, rights of, 5343.
- how determined, 5344.
- what tenant not affected in partition action, 8039.
- lease of buildings for unlawful purposes, prohibited, 9641.
- lease of non-competing railroad lines allowed, 4620.
- § 2. *Power to lease.*
 - power to lease land, when void, 5428.
 - power to make lease, when transferable, 5429.
 - power to lease, how extinguished, 5430.
 - power to lease life estate, effect of mortgage on, 5431, 5432.
- § 3. *Lease.*
 - to be in writing, when, 5511.
 - agreement for lease required to be in writing, when, 5889.
 - written instrument, how proved, 5890.
 - when required to be recorded, 5594.
 - notice to change terms of, 5347.
 - term under which leases may run, limited, 5289.
 - by railroad company, how executed and recorded, 4624.
- § 4. *Rent.*
 - rents when payable, 6096.
 - lien on crops for rent, 6708.
 - receiver entitled to, when, 7591.
 - purchaser at execution sale entitled to rent, 7762.
 - priority of rent in insolvency proceedings, 8404.
 - accounting for rent during redemption period, 7762.
 - life lease rent, recovery of, 5348.
 - rent dependent upon life of person, how recovered, 5349.
 - covenant for payment of rent runs with the land, 5788.
- § 5. *Measure of damages.*
 - for tenant's failure to give up possession of premises after he has given notice of his intention to do so, 7173.
 - for tenant's holding over after end of term and notice to quit, 7174.

LAND MARKS.

- removal or destruction of, misdemeanor, 10069.
- alteration or destruction of, misdemeanor, 10069.

LARCENY.

- defined, 9913.
- appropriation lost property, 9914.
- degrees of larceny, 9915.
- grand and petit larceny defined, 9916.
- punishment of grand larceny, 9917.
- punishment of petit larceny, 9918.
- grand larceny in house or vessel, punishment of, 9919.
- in night-time from person, punishment of, 9920.
- larceny of written instrument, how value determined, 9921.

INDEX.

(References are to sections.)

LARCENY — (continued).

- larceny of passage ticket, how value determined, 9922.
- securities never issued, applicability of chapter to, 9923.
- larceny of part of realty, 9924.
- larceny of wreck books, 9925.
- buying or receiving stolen property, 9926.
- fraudulent consumption of gas, 9927.
- stealing without state and bringing into state, how punished, 9928.
- sufficiency of information of indictment for, 10701.
- jurisdiction of, 10509.
- by warehouseman, what constitutes, 3115.
- of public records by officer having charge of, 9363.

LARD.

- how to be sold, 3011.

LATERAL SUPPORT.

- right of owner of land to, 5354.
- right to receive more than natural support from adjoining land as easement, 5354.

LAUNDRY.

- regulations of, in cities under commission form of government, 3818 (75).

LAW.

- See Common Law; Session Laws; Statutes.
- defined, 4327.
- expression of, how made, 4328.
- benefit of provisions may be waived, when, 7136.
- maxims of, 7243-7277.
- practice established by code of civil procedure, 7321.
- foreign, how proved, 7910.
- operation of, as creating lien, 6705.
- ignorance no excuse for crime, 9207.
- questions of, in criminal actions to be determined by court, 10827, 10828.

LAW LIBRARY.

- See Library, State Law.

LAW MERCHANT.

- judicial notice of, 7938.
- rules of, governing negotiable instruments, when, 7080.
- See Negotiable Instruments.

LAW OF THE ROAD.

- vehicles to turn to the right, 2051.
- governs driver or operator of automobile or motorcycle, 2974.

LAWS.

- See Session Laws.
- conflict of, see Conflict of Laws.

LEAD ARSENATE.

- defined, 10218.
- See Insecticide.

LEASE.

- See Landlord and Tenant, §§ 2, 3.

INDEX.

(References are to sections.)

LEGACIES.

See Wills, §§ 16, 17.

LEGAL AUTHORITIES.

term as used in motor vehicle law, defined, 2976a.

LEGAL NOTICES.

See Notice.

LEGAL OBLIGATION.

as good consideration for contract, 5873.

LEGISLATIVE ASSEMBLY.

as to printing of journals, executive documents, session laws, records, etc., see Public Printing.

§ 1. *In general.*

representative districts, and apportionment, 44.

organization, 28.

business not to be transacted until after election or appointment of officers, 36.

legislation affecting education to be submitted to state board of education prior to the convening of the legislative assembly, 1742.

pledge of candidate for, as to United States senator, 854.

records, custody of, 39.

reports to, by commissioner of agriculture and labor, 163.

governor to furnish report of state institutions, 113.

committee, chairman, authorized to administer oaths, 32.

proceedings of, how proved, 7920.

pending session of, effect on continuance of cases, 7949.

opinion on legal questions by attorney-general, 157.

election contest, how determined, 33.

— members not to pay expenses of, 1089.

contempts, acts which constitute, 29.

— each house punishes its own, 29.

expenses, supplies and postage, 43.

appropriation for salaries, etc., 42.

§ 2. *Sessions.*

time for holding, 26.

place of, 26.

§ 3. *Members.*

certificate of election; filing, 27, 1024.

roll of members, 27.

certificate of election of, prima facie evidence, 27.

senators, number of, 44.

representatives, number of, 44.

oath of office, by whom administered, 31.

to be nominated at primary election, 852.

vacancy, special election to fill, 1033, 1034.

— where district boundaries have changed since election, 1035.

resignation of, how and to whom made, 684.

resignation of, before entering on duties, 1033.

§ 4. *Officers and employees.*

in general,

number, 34.

election and appointment, 36, 41.

oath, 36.

time for expiration of office, 28.

grounds for discharge, 38.

INDEX.

(References are to sections.)

LEGISLATIVE ASSEMBLY — (continued).

- in general — (continued).
 - removal, 41.
 - vacancies, how filled, 41.
 - compensation, 34.
 - salary, how paid, 37.
 - resignation, how and to whom made, 684.
- president pro tem. of senate,
 - to act as lieutenant-governor in certain cases, 120.
- secretary of senate,
 - duties in general, enumerated, 27.
 - to keep journals, preserve and file documents, 39.
 - compensation for preparing legislative journal, 40.
- chief clerk of house,
 - duties in general, enumerated, 27.
 - to keep journals, preserve and file documents, 39.
 - compensation for preparing legislative journal, 40.
- § 5. *Powers.*
 - each house sole judge of qualifications of members, 33.
 - require state auditor to submit his books for inspection, 136.
 - to amend or repeal provisions relative to corporations, 4596.
 - to examine corporations, 4595.
 - to repeal grants of power to corporations, 4495.
 - with reference to the right of disposal of property, 5254.
 - to pardon treason, 11097.
- § 6. *Confirmation by senate.*
 - appointments to board of control, 236.
 - appointments to board of trustees of university, 1540, 1541.
 - trustees of school for deaf and dumb, 1681.
 - directors of state school of forestry, 1675.
 - board of trustees of agricultural college, 1906.
 - board of trustees of academy of science, 1698.
 - trustees of blind asylum, 1700.
 - board of trustees of institution for feeble-minded, 1710.
 - inspector of hotels, 2986.
- § 7. *Bills.*
 - printed, how, 52.
 - to be printed daily, 52.
 - copy to be furnished each member, 52.
 - copy to be furnished all persons applying therefor, 52.
 - engrossing and enrolling, bids for, 109, 110.
- § 8. *Resolutions.*
 - how printed, 52.
 - to be printed daily for distribution, 52.
- § 9. *Laws.*
 - printed, how, 55.
- § 10. *Journals.*
 - to be preserved and indexed for publication, 40.
 - number to be printed, 53.
 - how printed, 53.
 - distribution, 53.
 - extension of time for printing of, 60.
 - printed daily, number, 62.
 - how corrected, 62.
 - how made up, 62.
 - distribution of, by secretary of state, 75, 77-79, 126.

INDEX.

(References are to sections.)

LEGISLATIVE ASSEMBLY — (continued).

- officially printed, evidence, 90.
- custodian of undistributed, 91.
- custodian of, 121.
- § 11. *Offences by or against.*
 - preventing meeting of, how punished, 9320.
 - disturbance of meeting of, misdemeanor, 9321.
 - compelling adjournment of, punishment, 9322.
 - compelling either house to perform or omit act, punishment, 9323.
 - intimidation of members of, punishment, 9323.
 - alteration of draft of bills, felony, 9325.
 - alteration of engrossed copy of bill, felony, 9326.
 - bribery of members,
 - giving or offering bribes to members, how punished, 9327.
 - members receiving bribes, how punished, 9328.
 - solicitation of bribery by members, how punished, 9329.
 - vote in consideration of other vote as bribery, punishment, 9330.
 - agreement of members for vote, punishment, 9331-9332.
 - refusal of witness to attend when summoned, misdemeanor, 9333.
 - refusal of witness to testify before, misdemeanor, 9333.
 - office forfeited, when, 9335.
 - lobbying prohibited, 9336-9338.

LEGITIMACY.

See Illegitimacy.

LETTER OF CREDIT.

- defined, 6690.
- classified, 6693.
- may be to several persons, 6691.
- to whom writer liable, 6692.
- authority conferred by general letter, 6694.
- successive credits, 6695.
- when continuing guaranty, 6696.
- notice unnecessary unless provided, 6697.
- credit must agree with letter, 6698.

LETTERS.

- ownership of, 5463.
- sending, when complete, 10335.
- opening and reading, misdemeanor, 10077.
- sending threatening, as extortion, 9948.

LEWDNESS.

See Adultery.

LIBEL.

- § 1. *Civil.*
 - definition, 4351, 4352.
 - privileged communications, what are, 4354.
 - pleadings in respect to, 7463, 7464.
 - retraction; exemplary damages, 9562.
 - limitation of action for, 7377.
- § 2. *Criminal.*
 - defined, 9550.
 - maker, composer or circulator of libel guilty of misdemeanor, 9551.
 - defendant acquitted if alleged libel is true, 9552.

INDEX.

(References are to sections.)

LIBEL — (continued).

- conspiracy to libel, participants are liable, 9553.
- publication defined, 9554.
- liability of editors and others, 9555.
- publishing true report of official proceedings, not, 9556.
- qualifications, 9557.
- privileged communications, 9558.
- threatening to publish libel, 9559.
- furnishing libelous information, 9560.
- slander of females, 9561.
- retraction, effect of, to render libel civil, 9562.
- sufficiency of indictment or information for, 10698.
- jury to determine law and fact, 10828.
- general or special verdict in trial for, 10879.

LIBERTY, RESTRAINT OF.

- insane person not to be restrained of liberty except in accordance with provisions of law, 2557.

LIBRARY COMMISSION, STATE.

- created, 1530.
- membership of, 1530.
 - of whom composed, 1531.
 - term of office, 1532.
 - expenses of member allowed, 1533.
- duties,
 - in general, 1534.
 - to give advice and aid, 1535.
 - to keep statistics, 1536.
 - to publish reports, 1536.
- office provided, 1537.
- appropriation for, 1538.

LIBRARY, FREE.

- free libraries for cities, towns and villages, 4007-4013.
- library fund, how provided, 4007.
- board of directors,
 - qualifications, 4008.
 - appointment, 4008.
 - term of office, 4008.
 - powers and duties, in general, enumerated, 4009.
 - vacancy, how filled, 4008.
 - compensation, 4008.
 - annual report as to condition of library, 4011.
- regulations governing use of library, 4010.
- donations for benefit of library, 4012.
- appropriation of public funds, 4013.
- district school libraries, 1108, 1177.

LIBRARY, SCHOOL.

- See Schools and School Districts, § 15.

LIBRARY, STATE EDUCATIONAL.

- to be maintained in office of superintendent of public instruction, 1454.
- appropriation for, 1454.
- care and custody of, 1843.

INDEX.

(References are to sections.)

LIBRARY, STATE LAW.

- purchase of books for, 1844.
- judges of supreme court to prescribe rules and regulations, 1845.
- expenses, how paid, 1846.
- librarian, employment, compensation, 1845.
- copies of laws of state to be kept, 106.
- appropriation, 1844, 1845.

LICENSE.

- § 1. *Municipal control of.*
 - power of cities to license occupations, 359 (70).
 - powers of cities as to issuance and revocation of licenses in general, 3599 (30) (40).
 - power of cities to revoke, 3599 (30).
 - power of the city to issue or revoke, 3599 (4)
 - power of villages to license and regulate occupations, 3861.
 - power of city under commission form of government to issue and revoke, 3818 (3).
- § 2. *To marry.*
 - required before solemnization of marriage, 4361.
 - form of license to marry, 4363.
 - marriage, how obtained, 4362.
- § 3. *Miscellaneous licenses.*
 - for the sale of intoxicating liquors, 10161.
 - to own stallion, 2763.
 - for hunting, 10299, 10300.
 - for motor vehicles, 2976e.
 - for soliciting aid for homes for orphans, 5106.
- § 4. *To practice professions.*
 - to practice medicine, fees for, 467.
 - revocation and refusal of, 468.
 - to practice medicine, to be recorded, 469.
 - for practicing dentistry, 510.
 - to practice osteopathy, 518.
 - to be recorded, 519.
 - acting as pharmacist without, penalty, 9735, 9736.
 - issued by state board of embalmers, when, 540.
 - to be issued by state board of embalmers, 545.
- § 5. *To conduct insurance.*
 - required of insurance agents, 4960.
 - for foreign sickness and accident insurance companies, 4980.
 - of fraternal beneficiary societies, 5072.
 - revocation of, of fraternal beneficiary societies, 5087.
- § 6. *Occupational license.*
 - to operate cold storage warehouse, 3150.
 - for keepers of storage houses, 3138.
 - to operate cold storage warehouse, suspended when, 3150.
 - for public warehouse, 3108.
 - for operating coal mines, how procured, 3081.
 - for railroad ticket agent, 4675.
 - piloting without, misdemeanor, 9755, 9756.
 - to run ferry, 9777.
 - to conduct dairy factory, 2844, 2845.
 - for selling of nursery stock, 2830.
 - for dealing in concentrated commercial feeding stuffs, 2916.
 - of fire sale merchant, 3037.
 - of commission merchant, 3021, 3022.
 - for hawkers and peddlers, 3028, 3029.
 - for peddling, 9704.
 - for pawnbroker, 9701.

INDEX.

(References are to sections.)

LICENSE.— (continued).

§ 7. Penalties.

- failure to return certificate, misdemeanor, 9728.
- unlawful issuance of, punishment, 9727.

LIENS.

See Mechanic's Liens.

§ 1. In general.

- liens defined, 6699.
- classified, 6700.
 - general lien defined, 6701.
 - special lien defined, 6702.
- certain liens subject to provisions of chapter on liens, 6703.
- lien subject to creditor's rights, 6863.
- when execution is lien on personalty, 7724.
- lienor of record may be party in partition, 8026.
- may be pledge, 6774.
- of partner on other partner's share, 6393.
- when power is, upon real property, 5397.
- agreement of seamen to abandon lien on vessel, void, 6165.
- cemetery lots, exempt from, 5099.
- manner of paying liens upon realty upon the sale of the land by an executor or administrator, 8757.
- application of purchase money upon the sale of land subject to a mortgage or lien by executors, administrators or guardians, 8786.

§ 2. Creation of.

- how created, 6704.
- by operation of law, 6705.
- to further interests, 6706.
- upon crops, 6707.
- obligations not in existence, 6708.

§ 3. Effect of.

- contract for land transferred under title, 6709.
- contract for forfeiture of property subject to lien void, 6710.
- creation of lien does not imply obligation to perform, 6711.
- no authority for other than original obligation, 7612.
- extent of obligation to holder, 6713.

§ 4. Priority.

- priority according to date, 6714.
- mortgage for principals prior to all, 6715.
- order of resort for payment, 6716.

§ 5. Redemption.

- by whom and when made, 6717.
- inferior lienor may, 6718.
- redemption subrogation, 6719.
- redemption, how made, 6719.

§ 6. Extinction of.

- lien deemed accessory to act secured, 6720.
- extinguishment by sale of property, 6721.
- extinguishment by conversion of subject property by lienor, 6721.
- not extinguished by mere lapse of time, 6722.
- not extinguished by partial performance, 6723.
- extinguishment by restoration of property to owner, when, 6724.

§ 7. Discharge.

- discharge of record upon notice, affidavit and undertaking, 6880.
- fee for entering satisfaction of lien, 3498.

INDEX.

(References are to sections.)

LIENS — (continued).

§ 8. *Foreclosure.*

- of personal property,
 - foreclosure authorized, 8137.
 - warrant to seize property, 8138.
 - form of warrant, 8139.
 - undertaking, 8140.
 - judgment to state, what, 8141.
 - certain provisions relating to attachments applicable, 8142.
 - other remedies not affected, 8143.
 - lien foreclosed, how, 6878.
 - duty of register of deeds as to liens filed, 6879.
- of lien on realty, 8137-8143.
- costs on foreclosure of, 7792.

§ 9. *Of taxes.*

- effect of the payment of taxes by lienor, 2211.
- for delinquent personal taxes, 2178.
- unpaid taxes, a perpetual lien on real estate, 2186.
- taxes upon property which had previously escaped taxation constitute a lien, 2298.
- of state and county for personal taxes, 2171.
- amount adjudged due in action to test validity of special assessment for local improvements in cities, 3769.
- priority of liens of special assessments for removal of snow and ice from sidewalk, 3696.
- of special assessment for public improvement as between vendor and vendee, 3743.
- for sums paid by county for irrigation, 8283.
- for irrigation purposes, superiority of, 8296.
- lien of inheritance tax, 8981.
- taxes on bank stock to be lien on dividends, 2117.
- of agent or warehouseman for taxes on grain in warehouse, 2112.

§ 10. *Of judgment.*

- of judgments generally, 7681.
- of judgment against county, 3251.
- of judgment of United States court, when, 7697.
- of judgment rendered against a decedent dying after verdict or decision on issue of facts but before judgment is rendered thereon, 8805.
- lien of judgment recovered against the representative of a deceased which was pending at the time of his death, 8806.

§ 11. *For farm labor.*

- who may have, 6857.
- how lien obtained, 6858.
- duty of register of deeds, 6859.
- penalty for disposing of property covered by, 6860.

§ 12. *For threshing.*

- who may have, 6854.
- procedure to obtain, 6855.
- priority, 6856.

§ 13. *For seeds.*

- who may have, 6851.
- procedure to obtain, 6852.
- priority, 6853.
- contract to pay for seed grain furnished by county, made first lien, 3482.

§ 14. *As to animals.*

- damages for trespassing animals a lien upon animals, 2628.
- judgment for trespassing animals lien on animals, 8504.
- for service of sires,
 - prerequisites, 6847.

INDEX.

(References are to sections.)

LIENS — (continued).

for service of sires — (continued).

- certificate of commissioner of agriculture to be filed and posted, 6848.
- procedure to obtain lien, 6849, 2775.
- foreclosure, 6850, 2775.
- of owner of stallion on offspring, 2775.

§ 15. For keeping and pasturing stock.

- who may have, 6844.
- lien only against owner, 6845.
- priority over other liens, 6846.
- on animals for use of dipping station, 2783.
- of cattle inspector upon cattle inspected, 2759.
- judgment and costs for violation of article on herding and driving a lien upon animals, 2611.

§ 16. Miscellaneous statutory.

- vendor's lien on realty,
 - how created, 6861.
 - when lien waived, 6862.
- vendor's lien on personalty, 6864.
- purchaser's lien on realty, 6865.
- lien for improvement, carriage, etc., of personalty, 6866.
- lien for repairs on personalty, 6877.
- factor's liens, 6867.
- banker's liens, 6868.
- shipmaster's lien, 6869.
- mate and seamen's lien for wages, 6870.
- officer's lien under attachment or execution, 6871.
- innkeepers,
 - innkeeper has lien, when, 6872.
 - sale of property, 6873.
 - disposal of property, 6874.
- attorneys,
 - attorney has lien, when, 6875.
 - release by bond, 6876.
- of public storage company for storage charges, 3145.
- of storage house keeper on unclaimed freight put in storage by carrier, 3148.
- expense of destruction of grasshoppers to be lien upon land, 2867.
- on mines for work, or material furnished, 6836.
- provisions regulating, 6836-6843.
- for freightage, 6224.

§ 17. Penalty.

- seeds subject to lien, wrongful use of, misdemeanor, 10249.
- removing, concealing or selling chattel subject to, penalty, 10248.

LIEUTENANT-GOVERNOR.

- duties, in general, enumerated, 118.
- impeachment of, duty of house upon, 10463.
- salary, 119.
- when president pro tem. of senate acts as lieutenant-governor, 120.

LIFE.

- probable duration of, 7922.

LIFE AND HEALTH INSURANCE.

- See Insurance, § 2; Insurance Companies generally, and particularly, §§ 7, 8, 9.

INDEX.

(References are to sections.)

LIFE ESTATE.

rights of owner of, 5342.

when void, 5317.

measure of damages for wrongful detention of real estate after termination of life estate, 7167.

See also Property, Real.

LIFE TABLES.

admissible to prove expectation of life, 7922.

LIGHT.

rights relative to, as easement, 5330.

LIGHTNING.

lightning insurance by county mutual insurance company, see Insurance.

LIGHTNING RODS.

excepted from provisions of chapter on mechanic's liens, 6814.

notes taken for, how indorsed, 10251.

LIGHTS.

power of the city to furnish lights for city, 3599 (11) (75).

power of city exercising commission form of government to provide lights for city, 3818 (5).

removing or altering signal, misdemeanor, 10074.

LIGNITE COAL.

state institution, county buildings, and public school-houses required to use lignite coal, 1828.

See also Coal.

LIME.

weight of bushel of, 3006.

LIMITATION OF ACTION.

§ 1. *General provisions relative to.*

when action deemed commenced, 7383.

exception as to absentee, 7384.

exception as to persons under disability, 7385.

limitation in case of death, 7386.

— in case of war, 7387.

limitation where judgment has been reversed, 7388.

limitation where action has been stayed by injunction, 7389.

when disability is avoidable, 7390.

when there are co-existing disabilities, 7391.

statute of limitations not applicable to bank notes put in circulation as money, 7392.

limitations as to money corporations, 7393.

new promise waiving statute must be in writing, 7394.

time already run part of time prescribed by code, 7323.

defense of, to be made by answer, 7358.

debtor cannot make defense by. in proceedings after judgment, 7853.

§ 2. *For the recovery of real property, 7358.*

by the state, 7359.

by persons claiming under state, 7360.

extension of limitation, when, 7361.

by private person, seisin within thirty years, 7362, 7363.

— one year after voluntary possession presumed, 7364.

— occupation under written instrument, 7365.

INDEX.

(References are to sections.)

LIMITATION OF ACTION — (continued).

- adverse possession, 7368.
 - actual adverse holding, 7368.
 - adverse possession under claim not written, 7369.
 - adverse possession as between landlord and tenant, 7370.
 - effect of descent, 7371.
 - disability extends time for bringing action, 7372.
 - real property held in adverse possession, 5471.
 - real estate sold by an executor or administrator, 8788, 8809, 8810.
 - property sold by a guardian, 8923.
 - to remove cloud arising from tax deed, 2194.
 - to set aside tax deed, 2219, 2223.
 - to quiet title of land sold for taxes, 2194.
 - in actions relative to homesteads, 5609, 5610.
- § 3. *Not relating to realty.*
- in general, 7373.
 - actions to be brought within ten years, 7374.
 - actions to be brought within six years, 7375.
 - actions to be brought within three years, 7376.
 - actions to be brought within two years, 7377.
 - actions to be brought within one year, 7378.
 - action to recover balance on open account, 7379.
 - action for forfeiture, 7380.
 - action for relief not specifically provided for, 7381.
 - limitation applicable to state and persons alike, 7382.
 - for liability created by statute, 7375.
 - for divorce, 4396-4397.
 - for annulment of marriage, 4369.
 - in bastardy proceedings, 10495.
 - against accident and sickness companies, 4978.
 - time for bringing action against county mutual companies for hail insurance, 4941.
 - action against officer of corporation not limited, when, 4544.
 - for redemption of stock sold for delinquent assessment, 4586.
 - to test validity of special assessment for public improvement in cities, 3770.
 - for proceedings for refunding inheritance tax erroneously paid, 8985.
 - limitation of action against the surety of a bond given by a guardian, 8922.
 - against city for damages arising from defective highway, 3629.
 - actions for trespass by cattle, 2633.
 - proceedings to open judgment by defendant, served by publication, 7434.
 - against common carrier for injury to employee, 4807.
- § 4. *Relating to decedent's estate.*
- for the probate of nuncupative wills, 8631, 8634.
 - for the probate of a written will, 8634.
 - for the probate of a will executed in another state or a foreign country, 8634.
 - limitation of action for the contest of the probate of nuncupative wills and appointment of executors and administrators with the will annexed, 8631.
 - to contest a will after probate, 8649.
 - time to apply for letters of administration, 8658.
 - time for instituting suit on rejected claim, 8742.
 - action to set aside a decree as to a sale of property of a decedent, 8809, 8810.
 - as to what will prevent the statute of limitation from running against a claim against a decedent's estate, 8743.
 - when the statute of limitation begins to run against claims against decedents, 8658.
- § 5. *Time for commencing criminal actions.*
- murder, not limited, 10520.
 - for felony other than murder, 10521.
 - for misdemeanor, 10522.
 - time of defendant's absence, 10523.

INDEX.

(References are to sections.)

LIMITATION OF ACTION — (continued):

- when action deemed commenced, 10524.
- adultery, 9579.
- of prosecution in game and fish law, 10279.
- for prosecution for crimes against religion and conscience, 9249.
- for appeal in criminal cases, 10994.

LIMITATION OF INDEBTEDNESS.

See Indebtedness, Limitation of.

LIQUIDATED DAMAGES.

right to specifically enforce contract containing provision for liquidated damages, 7190.

LIS PENDENS.

- effect of filing, 7425.
- cancellation of, 7425.
- required in partition actions, 8027.
- fees for indexing and recording discharge or notice of, 3511.

LITERATURE.

destruction of works of, punishment for, 10081.

LIVERY STABLE.

as to regulations affecting the management and construction of, in cities, 3599 (63)
— in cities under commission form of government, 3818 (58).

LIVE STOCK.

- See generally, Animals.
- live stock sanitary board, see Animals, § 5.
- North Dakota live stock association, see Animals, § 17.
- county live stock protective association, see Animals, § 16.

LIVE STOCK INSURANCE COMPANIES.

See Insurance Companies, § 14.

LIVE STOCK SANITARY BOARD.

See Animals, § 5.

LOAN.

§ 1. For use.

- definition, 6050.
- title and increase belong to lender, 6051.
- degree of care to be exercised by borrower, 6052.
- animals to be treated with great kindness, 6053.
- degree of skill required of borrower, 6054.
- injuries to be repaired; 6055.
- thing borrowed used only for anticipated purposes, 6056.
- borrower not to loan, 6057.
- expenses during loan, 6058.
- indemnity to borrower in defects in thing borrowed, 6059.
- return may be required at any time, 6060.
- when to be returned, 6061.

§ 2. For exchange.

- definition, 6062.
- application of article to loans for use, 6063.
- transfer of title, 6064.
- different performance cannot be required, 6065.
- sections applicable to loan for exchange, 6066.

INDEX.

(References are to sections.)

LOAN—(continued).

- § 3. *Of money.*
 - definition, 6067.
 - repayment in current funds, 6068.
 - loan presumes interest, 6069.
 - interest defined, 6070.
 - rate of interest presumed annually, 6071.
 - legal rate of interest, 6072.
 - usury defined, 6073.
 - interest over legal rate, legalized, 6074.
 - interest taken in advance, 6075.
 - penalty for usury, 6076.
 - rate of interest on judgments, 6077.
 - rate of interest when contract is broken, 6078.
 - effect of unauthorized, by bank directors, 10006, 10007.

LOBBYING.

- in legislative assembly prohibited, 9336-9338.

LOCAL ASSESSMENTS.

- for public improvements in cities, see Cities, § 23.
- in villages, see Villages, § 17.
- in towns, see Towns, § 1.
- in townships, see Townships, § 15.
- to be deemed taxes in sales under tax judgments, 2342.

LOCAL BOARD OF HEALTH.

- See Health, § 2.

LODGES.

- See Fraternal Beneficiary Societies.

LODGING HOUSE.

- keeper of, to report contagious disease, 423.
- jumping board bill, misdemeanor, 10254, 10255.
- intentional destruction or damage of property by guest, misdemeanor, 10256.

LOGS AND LOGGING.

- boom secured, how, 3056.
- lawful to boom in navigable rivers, 3056.
- channel of river kept clear, 3056.
- defacing marks on, misdemeanor, 9724.
- taking or injuring, how punished, 10242.
- receiving stolen, how punished, 10244.
- See also Lumber.

LOST.

- papers, copies to be substituted, when, 7963.

LOST PROPERTY.

- See Finder.

LOTTERY.

- defined, 9660.
- a public nuisance, 9661.
- drawing lotteries; punishment, 9662.
- selling tickets, misdemeanor, 9663.
- buying tickets, how punished, 9664.

INDEX.

(References are to sections.)

LOTTERY — (*continued*).

- advertising, misdemeanor, 9665.
- out of state, 9674.
- offering property by means of lottery, 9666.
- keeping lottery office, 9667.
- advertising lottery office, 9668.
- out of state, 9674.
- insuring lottery ticket, 9669.
- advertising, 9670.
- property forfeited, 9671.
- letting building for lottery, 9672.
- application of chapter to lotteries conducted out of state, 9673.

LOYAL LEGION.

- unlawful to wear badge of, when, 9967.

LUGGAGE.

- carrier of persons to receive and carry, 6243.
- defined, 6244.
- bicycles are, 6244.
- liability of carrier for, 6245.
- delivery of; passenger's risk, 6246.
- carrier's lien on, 6252.

LUMBER.

- power of cities to regulate the storage of lumber, 3599 (72).
- cities under commission form of government, 3818 (67).
- power of cities to regulate the inspection, weighing and measuring of, 3599 (39).
- cities under commission form of government, 3818 (32).
- See also Logs and Logging.

LUMBER YARD.

- licenses, taxes and regulations in cities, 3599 (70).
- under commission form of government, 3818 (65).

LUNATICS.

- property of, how listed for taxation, 2094.
- not liable for road labor, 2006.

LUNCH COUNTERS.

- guests at, to be apprised of the use of oleomargarine, 2860.

McKENZIE COUNTY.

- provisions relative to the organization of McKenzie county, 3245-3249.

MAGISTRATES.

- as to police magistrate in cities. see Cities, § 18.
- defined, 10365, 10528.
- who are, 10365, 10529.
- power of county judge to sit as committing magistrate, 8964.
- profanity in presence of. summary conviction, 9227.
- arrest of persons committing offence in presence of, 10572.
- disclosing contents of deposition misdemeanor, when, 9421.
- jurisdiction of, in criminal actions, 10402.
- powers of,
 - on Sundays and holidays, 7338.
 - to issue subpoenas, 11024.

INDEX.

(References are to sections.)

MAGISTRATES — (continued).

- duties of,
 - as to issuance of warrant, 10535.
 - to issue warrant in proceedings for security to keep the peace, 10410.
 - upon complaint in criminal matters against corporations, 11078.
 - to arrest without warrant, when, 10057.
 - as to investigation of violation of prohibition law, 10116.

MAIL.

- service by, 7952-7954.
- service by, of summons in actions in eminent domain, 8209.
- right to serve process and notices of the county court by mail, 8553.

MAIL CARRIERS.

- exempt from jury duty, 814.

MAIMING.

- defined, 9505.
- self, 9506.
 - exciting sympathy, 9507.
- instrument or manner immaterial, 9508.
- by disfigurement described, 9509.
- design to maim inferred, 9510.
- premeditated design sufficient, 9511.
- subsequent recovery; conviction, 9512.
- punishment for, 9513.
- coverture no excuse for, 9213.
- committed in riot, punishment of, 9808.
- animals, misdemeanor, 10053.

MAJORITY.

- authority of, 7314.
- of partnership governs, 6402.

MALES.

- when of age, 4335.

MALICE.

- defined, 10360.
- when inferred in arson, 9855.
- allowance of interest in action for malice in the discretion of the jury, 7143.
- right to recover exemplary damages in actions involving malice, 7145.

MALICIOUS MISCHIEF.

- defined, 10050, 10051.
- as to animals,
 - poisoning domestic animals, 10052.
 - killing, maiming or torturing animals, 10053.
 - abusing domestic animals, 10054.
 - keeping houses or pits for fighting animals, 10055.
 - instigating fights between animals, 10056.
 - officer's duty to arrest, 10057.
- wounding or trapping birds in cemetery, 10058.
- injuring house of worship, 10060.
- endangering human life with explosive, 10062.
- destroying building with explosive, 10061.
- malicious injury to freehold, 10063.
- burning buildings, grain and hay, 10059.

INDEX.

(References are to sections.)

MALICIOUS MISCHIEF — (continued).

- injuring timber and certain fixtures, 10064.
- injury to farm buildings,
 - when felony or misdemeanor, 10083.
 - how punished, 10084.
 - punishment where act was conjointly committed, 10085.
 - how value determined, 10086.
 - commissioners may offer reward for conviction, 10087.
- injuring standing crops, 10065.
- injuring fruit or melons,
 - in daytime, 10066.
 - in nighttime, 10067.
- injuring fruit trees, 10068.
- removing landmarks, 10069.
- breaking gas or water pipe, 10082.
- interfering with piers and booms, 10070.
- destroying dam, 10071.
- removing or injuring piles, 10072.
- removing buoy from Missouri river, 10073.
- removing or making signal lights, 10074.
- injuring written instrument, 10075.
- mutilating election returns, 10076.
- injuring works of art or improvement, 10080.
- destroying works of literature or art, 10081.
- opening and reading sealed letter, 10077.
- disclosing telegraphic despatch, 10078.
- secreting telegraphic despatch, 10079.

MALICIOUS PROSECUTION.

- in procuring search warrant without cause, 1138.
- duty of police magistrate where it appears that prosecution was malicious, 3650.
- costs to be taxed against complaining witness, when, 10610.

MALICIOUSLY.

- defined, 10360.

MALPRACTICE.

- limitation of action for, 7377.

MALT.

- defined, 10157.

MALT BEER.

- defined, 10157.

MALT LIQUOR.

- malt liquor as intoxicating, 10105.
- judicial notice that beer is, 7938.

MANDAMUS.

- parties to, 8443.
- judgment, motion and order defined, 8444.
- by and to whom issued, 8457.
- when issued, 8458.
- alternative or peremptory, 8459.
- when writ may issue, 8460.
- answer to writ, 8461.
- when jury may assess damages, 8462.

INDEX.

(References are to sections.)

MANDAMUS — (continued).

latitude of proof, 8463.
motion for new trial, when made, 8464.
transmission of verdict, 8465.
hearing, 8466.
damages, 8467.
how writ served, 8468.
disobedience to writ; punishment, 8469.
what writs issued in vacation, 8474.
rules and practice, 8475.
new trials and appeals, 8476.
original jurisdiction of supreme court to issue writ of, 7339.
of common carriers to compel filing schedule of rates, 4727.

MANIFEST.

making false, how punished, 9980.

MANSLAUGHTER.

See Homicide.

MANUFACTURER.

definition as to taxation, 2109.
property of, how listed, 2109.
duty to furnish certain statistics to state statistician, 164.
adulterated food prohibited, 2879.
of drugs, duties of, 2939.
of formaldehyde, duties of, 2926.
of paint, duties of, 2923.
of paris green, duties of, 2933.
of soda water, protection to, 2922.

MANUFACTURING CORPORATIONS.

See Mining and Manufacturing Corporations.

MAPS.

county commissioners authorized to have map of county made from original survey by the United States, 3279.
of wagon roads to be filed, 4823.
of railroad and telephone companies to be filed, 4813-4818.
of public land, when to be made, 313.
biological map of the state to be prepared, 1556.
showing boundaries of school districts of the county to be prepared by county superintendent of schools, 1129.
showing school district of counties to be prepared by county auditors, 1149.

MARES.

See Animals.

MARINE INSURANCE.

See Insurance, § 5.

MARKETS.

fraud affecting price, misdemeanor, 9787.
power of cities to establish and maintain markets and market houses, 3599 (35), 3818 (28).
as to the establishment and regulations of in villages, 3861 (8).

INDEX.

(References are to sections.)

MARKS AND BRANDS.

- of animals, see Animals, § 2; see also Labels.
- of food regulated, 2880.
- food products when placed in cold storage to be branded, 3155.
- cold storage goods to be branded before sale, 3157.
- of seeds, 2898.
- on containers of illuminating oils, 3064.
- false brand on oils sold for illuminating purposes, 3074.
- appropriation of, punishment, 9713.
- obliterating from wreck property, 9723.
- defacing from logs, 9724.
- effacing from estray or lost goods, felony, 10245.
- fees or recording, 3511.

MARRIAGE.

§ 1. *In general.*

- defined, 4357.
- consent,
 - consent of parties as an essential, 4357.
 - age of consent for, 4358.
 - consent of parent or guardian when necessary, 4358.
 - consent of parent or guardian when necessary for marriage, 4358.
- contract of, required to be in writing, 5888.
- contracts for by Indians, valid, 4365.
- who may solemnize, 4361.
- remarriage of divorced persons, when, 4379.
- record or certified copy of, are evidence of, 4367.
- validity of,
 - if valid where contracted valid in state, 4366.
 - when void because of consanguinity, 4359.
 - void, if former husband or wife living, when, 4360.
- fees of justices of the peace for performing marriage ceremony, 3530.

§ 2. *Regulations as to persons permitted to marry.*

- person prohibited from marrying, 4373.
- performance of marriage ceremony between certain persons prohibited, 4374.
- affidavit of fitness to marry required, 4375.
- licenses not to be issued to intoxicated person, 4376.
- ceremony not to be performed if either person is under the influence of liquor or drugs, 4376.
- fee of physician for examination and affidavit, 4377.
- penalty, 4378.

§ 3. *License and certificate.*

- not to be solemnized without license, 4361.
- certificate to be issued by person solemnizing, 4361.
- execution and writ of, 4361.
- license, how obtained, 4362.
- form of license and certificate, 4363.
- record of, to be kept by county court, 4364.

§ 4. *Effect of generally.*

- marriage of executrix as grounds for revoking letters testamentary or administration with the will annexed, 8631 (3).
- marriage of an administratrix as revoking letters of administration, 8657.
- marriage of minor as termination of guardianship, 8920.
- effect of upon wills, 5666-5668.
- action not abated by, 7408.
- of minor terminates parental authority, 4429.
- of ward as terminating guardianship, 4470-4471.

INDEX.

(References are to sections.)

MARRIAGE — (continued).

§ 5. *Restraints on.*

restraints upon void, 5285.
— exceptions, 5285.
contract in restraint of, void, 5931.

§ 6. *Annulment of.*

annulment of, causes for, 4368.
marriage annulled when consent to was obtained by force, 4368.
annulment of, limitation of action for, 4369.
children begotten before annulment legitimate, 4370.
custody of children after annulment, 4371.
effect of judgment of annulment of, 4372.

§ 7. *Dissolution of.*

death, 4379.
judgment of divorce, 4379.

§ 8. *Seduction and breach of promise.*

seduction under promise of, 9575.
as defence to seduction, 9576.
damages for breach of promise of marriage, 7164.

§ 9. *Crimcs in connection with.*

unlawful defined, 9613.
of bigamist prohibited, 9610-9613.
license issuance, trial to law, punishment, 9727.
neglect to record certificate, misdemeanor, 9727.
solemnization of, without license, misdemeanor, 9728.
failure to execute certificate, misdemeanor, 9728.
performing ceremony without authority, misdemeanor, 9729.
performing without authority, valid, when, 9730.
compelling, by duress, etc., punishment for, 9570, 9571.
personating another falsely in, 9964.

§ 10. *Miscegenation.*

marriage between white and negro persons forbidden, 9582.
definition of negro persons, 9583.
issuing license of marriage between negroes and whites, punishment for, 9584.
performing marriage between negroes and whites, punishment for, 9585.
certain marriages between whites and negroes declared valid, 9586.
unlawful co-habitation between negroes and whites, 9587.
whites and negroes living in adultery or fornication, punishment for, 9588.

MARRIED WOMEN.

rights and capacities of, 4411.
liabilities of, 4411.
right of married woman to be appointed administratrix, 8657.
right of married woman to be appointed administratrix or guardian, 8682.
competency of married woman to act as executrix or administratrix, with the will annexed, 8651 (3).
powers of, to make wills, 5641.
— effect of marriage of woman upon prior will, 5668.
acknowledgment of conveyance by, 5568.
residence of, for benefit of poor law, 2501.
children, residence of, for benefit of poor law, 2501.
authority of, in respect to powers, 5417.
— execution of power by, 5400, 5401.
— power of married woman, when valid, 5420.
— special and beneficial power to, when valid, 5427.
as parties to action, 7398.
undertaking for appearance of, as witnesses, 10619.

INDEX.

(References are to sections.)

MARRIED WOMEN — (continued).

judgments for and against, 7679.
executions against, 7716.
See also Husband and Wife.

MARSHAL.

village marshal, see Villages, § 10.
of supreme court, see Courts, Supreme, § 4.

MARSHALING.

lien for taxes, 2171.
order of payment where lien covers several things, 6716.

MARSH ELDER.

as noxious weed, 2900.

MARSHES.

setting fire to, misdemeanor, 9774, 9775.

MASCULINE.

words used in, includes feminine and neuter, 7307.

MASTER.

of ship, see Ships and Shipping.

MASTER AND SERVANT.

See Employment; Apprentices.

§ 1. *In general.*

definition of employment; employer; employee, 6105.
servant, defined, 6134.
right to specifically enforce contract to render personal services, 7197.
causes for discharge, 6140.
time of servant belongs to master, 6138.
production of service belongs to whom, 6119.
stockholder of industrial corporation, liable for labor, 4984.
what force may be used in protection of master or servant, 4356.
securing transportation or advancement fraudulent, misdemeanor, 9973, 9974.
liability of owner of passenger conveyance for negligence of driver, 2054a.
embezzlement by servant, 9935.
intimidation of laborers, misdemeanor, 10240.
by employer, misdemeanor, 10241.

§ 2. *Obligations of employer.*

indemnity to employee, when, 6106.
— exception, assumption of risk, fellow service, 6107.
indemnity for employer's negligence, 6108.

§ 3. *Obligations of employee.*

obligations of gratuitous employee, 6109–6111.
duties of employee for reward, 6112.
employee for his own benefit, 6113.
degree of care to be exercised, 6112.
must obey master, 6115.
must conform to usage, 6116.
must exercise reasonable skill, 6117.
must use all skill possesses, 6118.
to account to employer, 6120, 6139.
not to deliver property to master without demand, 6121.
to give master's business preference, 6122.
to exercise ordinary care in selecting substitute, 6123.

INDEX.

(References are to sections.)

MASTER AND SERVANT — (continued).

liability of employee for culpable negligence, 6124.
surviving employee to act when, 6125.
obligations in confidential employments, 6126.

§ 4. *Interference with relation of.*

abduction, seduction, injury or enticement, forbidden, 4355.
intimidation of laborers, misdemeanor, 10240.

§ 5. *Term of hiring.*

hiring presumed to be for wage term, 6135.
presumed for month, when, 6136.
renewal presumed for same term and wages, 6137.
term of contract, unenforceable after two years, 6114.

§ 6. *Termination of employment.*

what constitutes termination, 6127.
continuance in certain cases, 6128.
employment at will, terminates on notice, 6129.
wilful breach of duty or incapacity, 6130.
for breach of employer's obligations, 6131.
compensation when dismissed for cause, 6132.
compensation when employee quits for cause, 6133.

§ 7. *Employers' liability.*

liability of master, generally, 6106, 6108.
assumption of risk, 6107.
fellow service, 6107.
liability of railroad company for injuries to employees, 4803.
liability of common carriers for injuries to servant,
 fellow servant doctrine abrogated, 4804.
 contributory negligence doctrine modified, 4707, 4805.
 contracts to avoid liability void, 4806.
 limitation of action, 4807.
employee as used in article requiring headlights on locomotives defined, 4694.

MATE.

defined, 6161.
See also Ships and Shipping.

MAXIMS OF JURISPRUDENCE.

maxims, 7243-7247.
volenti non fit injuria, 7249.

MAYHEM.

See Maiming.

MAYOR.

See Cities, § 10.

MEASURES.

See Weights and Measures.

MEAT.

See generally, Food.
from diseased animals, regulations concerning, 2698.
power of cities to provide for the place and manner of sale, 3599 (36).
power of cities to provide for and regulate inspection of, 3599 (38).
regulations affecting the sale of, in cities under commission form of government,
 3818 (29) (31).

INDEX.

(References are to sections.)

MEAT MARKET.

sanitation of, see Food, § 2.

MECHANIC'S LIENS.

owner, defined, 6828.
sub-contractor defined, 6830.
who may have and for what, 6814.
on railway contracts, 6819.
right to, not impaired by taking security, when, 6831.
lien where single contract covers several buildings, 6817.
land subject to lien, 6823.
liens on buildings on homesteads, 6824.
on homestead, 5607.
property of independent school district, 1309.
fee for filing and indexing mechanic's lien, 3498.
duty of material-man, 6814.
notice of lien to be filed, 6815.
notice and consent of owner required, 6816.
lienor to file account of claim with clerk of court, 6820.
duty of clerk of court, 6821.
priority of, 6822.
actions to enforce, 6825.
limitation of actions for foreclosure of, 7375.
owner may require suit to be commenced, how, 6826.
assignment of claims for, 6827.
satisfaction, when, where and how filed, 6829.
— penalty, 6829.
penalty for filing unlawful lien, 6817.

MEDICAL EXAMINERS.

as to veterinary medical examiners, see Veterinarians, § 2.

MEDICAL EXAMINERS, BOARD OF.

creation of, 458.
appointment of, 458.
qualification of members of, 458.
term of office of, 458.
officers of, 459.
meeting for examination, 459.
record and rules of, 459.
powers of,
to administer oaths and summon witnesses, 460.
to enforce powers of, 460.
to issue license for practice, 461.
examinations by,
how conducted, 404.
subjects, 464.
qualifications of applicants for licenses, 466.
licenses to be issued, fees for, 467.
revocation and refusal of license, 468.
licenses to practice medicine to be recorded, 469.
fraudulent impersonation of applicant for license, 470.
fraudulent devices to procure license,
penalty for, 470.
penalties for violation of law, 470.
membership of board,
removal of members by governor, 471.
— ineligible for more than two successive terms, 471.

INDEX.

(References are to sections.)

MEDICINE.

- not to be compounded by unlicensed person, 475.
- practice of, what constitutes, 463.
- adulteration of, misdemeanor, 9741, 9765.
- sale of adulterated, misdemeanor, 9741.

MEETING.

- disturbance of religious, as misdemeanor, 9247.
- acts deemed disturbance of religious meeting, 9248.
- political, disturbance or prevention of, misdemeanor, 9269-9271.
- disturbance of lawful, misdemeanor, 9806.
- police to attend public meetings, when, 10427.

MEMORIAL DAY.

- certain games and sports, prohibited, 10236.

MENACE.

- defined, 5847.

MENDICANTS.

- power of cities to restrain and punish, 3599 (56).
- power of cities under commission form of government to restrain and punish, 3818 (51).

MERCANTILE AGENTS.

- judicial notice of, 7938.

MERCHANT.

- property of, listed how and when, 2107, 2108.
- definition as to taxation, 2109.
- lien of, for repairs on personalty, 6877.
- when guilty of embezzlement, 9933.

MERCHANT, TRANSIENT.

- defined, 3036.
- fees for, 3036.
- fire sale merchant,
 - license for, 3037.
 - application for license, 3038.
 - fees and penalty, 3039.
 - local license fee, 3040.
 - license fee to go into general fund, 3041.
 - penalty for violation of act, 3042.

MERIT SYSTEM.

- to be maintained in penitentiary, 11266.

MESMERISM.

- power of the city to license, tax, regulate, and prohibit persons practicing, 3599 (30).

MESSAGES.

- See Carriers, § 9; Telegraph Companies; Telephone Companies.

METEOROLOGICAL.

- statistics relative to, to be tabulated, 1564.

MIDWIVES.

- to be registered, 449.
- duty of, when child is born blind, 3168-3170.

INDEX.

(References are to sections.)

MILEAGE.

of members of board of contest of presidential electors, 1069.
of presidential electors, 1038.

MILEAGE BOOKS.

provision relative to, 4796.

MILE BOARDS.

injuring or removing, misdemeanor, 10042.

MILITARY GROUNDS.

right of way across, 2049.

MILITARY INSTRUCTION.

required to be given at state normal and industrial school at Ellendale, 1739.

MILITARY POSTS AND RESERVATIONS.

jurisdiction over, ceded to United States, 4.
legal process of state in property ceded, 4.

MILITIA.

§ 1. *In general.*

persons subject to military duty, 2347.
enrollment, 2348.
notice to persons entered upon list liable to military duty, 2349.
classification of militia,
national guard, 2350.
reserve militia, 2350.
when the articles of war of the United States are in force, 2358.
discipline and exercise to conform to that of the army of United States, 2401, 2440.
while in active service, how governed, 2358a.
reports, required by United States to be prepared under the supervision of adjutant-general, 2360.
accounts, audit and payment, 2364.
armory property, mortgaging, to the state, 2416.
organization not attached to brigade, 2441.
separate companies, defined, 2433.
where superior officer is absent or disabled, 2436.
amending or repealing military code, what necessary, 2435.

§ 2. *National guard.*

active militia to be known as North Dakota national guard, 2350.
how composed, 2350, 2365.
power of governor to increase, 2365.
maximum number established by law, 2365.
consolidation or discharge of organizations by commander-in-chief, 2365a.
organization and government of national guard determined by customs of U. S. army,
when, 2440.

§ 3. *Reserve militia.*

defined, 2350.
method of drafting reserves, 2354.
punishment for failure to appear, 2355.
organization, 2356.
when called out, 2356.

§ 4. *Service.*

state's right to require without compensation, 7.
persons subject to militia duty, 2347.
list of persons liable to perform military duty to be filed with county auditor, 2348.

INDEX.

(References are to sections.)

MILITIA — (continued).

- time for making claim for exemption from military duty, 2349.
- list of persons liable to perform military duty to be made by assessor, 2348.
- punishment for failure of member to appear when called into service, 2355.
- excuses from military duty, 2400.
- war service, credit for, 2392.
- § 5. *Powers and duties of governor.*
 - commander-in-chief, 2351.
 - staff of governor, 2352.
 - power of governor to call into service, 2353.
 - proclamation of state of insurrection, 2357.
 - to authorize expenditures, when, 2364.
 - to increase national guard, when, 2365.
 - to discharge or consolidate organization, 2365a.
- § 6. *Organization of national guard.*
 - minimum strength of infantry company, 2366.
 - minimum strength of infantry regiment, 2366.
 - minimum strength of battery of field artillery, 2367.
 - hospital corps, 2368.
- § 7. *Adjutant-general.*
 - qualifications, appointment, 2373.
 - salary, 2360a.
 - attorney-general to be legal adviser, 2363.
 - reports of, 2360.
 - powers,
 - in general, enumerated, 2360, 2360a.
 - duties,
 - in general, enumerated, 2360, 2360a.
 - inspect military companies at state normal and industrial school at Ellendale, 1734.
 - furnish muskets to state normal and industrial school at Ellendale, 1735.
 - to loan muskets to university, 1560, 1561.
- § 8. *Chief of supply.*
 - duties in general, enumerated, 2360a.
 - bond, 2360a.
- § 9. *Paymaster-general.*
 - duties in general, 2361.
 - bond, 2361.
 - appointment of, 2373.
- § 10. *Commanding officer.*
 - conduct in case of insurrection, 2397.
 - right to call out national guard in case of insurrection or invasion, 2398.
- § 11. *Officers.*
 - order of appointment, 2373.
 - appointment,
 - of adjutant-general, 2373.
 - of judge-advocate, 2373.
 - of paymaster-general, 2373.
 - of brigadier-general, 2374.
 - of staff and other officers, 2374.
 - of colonels and majors, 2373.
 - election of captains and lieutenants, 2373.
 - elections, when and how held, 2375.
 - appeals from, 2376.
 - oath of office, 2377.
 - supernumerary officers, 2378.
 - resignations, 2379.
 - retirement and discharge, 2380.

INDEX.

(References are to sections.)

MILITIA — (continued).

- retired officers subject to orders of commander-in-chief only, 2380a.
- examination and discharge of officer, 2381.
- removal of, 2382.
- rank, determination of, 2382a.
- transfer of, 2388a.
- discharge of, on removal from state, 2388a.
- responsibility for efficiency, 2393.
- § 12. *Commissions.*
 - conferred by governor, 2369.
 - eligibility of officers, 2370.
 - examinations for, 2371.
 - examining board, appointment, 2372.
- § 13. *Noncommissioned officers.*
 - appointment of, 2387.
 - warrant, 2387.
- § 14. *Enlisted men.*
 - dropped from rolls, when, 2388.
 - taking from dropped, 2389.
 - transfer of, 2388a.
 - discharge on removal from state, 2388a.
 - retirement of, 2390.
- § 15. *Enlistments.*
 - minors, consent of parents, 2383.
 - qualifications, 2383.
 - enlistment papers, 2385.
 - re-enlistment, 2384.
 - transfer, 2386.
 - false oath as to any statement perjury, 2385.
- § 16. *Drafting.*
 - method of drafting reserves for service, 2354.
 - punishment for failure to appear when called into service, 2355.
- § 17. *Discharge from service.*
 - of officer, after examination, 2381.
 - of officer or enlisted men on removal from state, 2388a.
 - other grounds for, 2391.
- § 18. *Armory commission.*
 - members, 2362.
 - powers and duties, in general, 2362.
 - attorney-general legal adviser, 2363.
- § 19. *Board of armory supervisors.*
 - how constituted, 2412.
 - duties in general, 2412.
 - to transfer armory property when military organization is mustered out of service, 2415.
- § 20. *Duty.*
 - drills and parades, 2394.
 - practice marching, 2395.
 - prizes authorized for small arms practice, 2396.
 - for acts done while on duty, 2359.
 - excuse from duty, when given, 2400.
- § 21. *Liability of members.*
 - for acts done while on duty, 2359.
 - security for costs in action against member, 2359.
- § 22. *Equipment.*
 - organizations to be provided with equipment by the state, 2407.
 - commissioned officers to provide themselves with uniform and equipment prescribed by governor, 2408.

INDEX.

(References are to sections.)

MILITIA — (continued).

- enlisted men to be furnished uniforms by the state corresponding with that of the United States army, 2409.
- officers and men personally responsible for all military equipment furnished by the state, 2410.
- uniform and equipment to conform with those used by the United States army, 2411.
- § 23. *Supplies.*
 - purchased by adjutant-general, 2360.
 - purchase by commanding officer in case of necessity, 2364.
- § 24. *Compensation for military services.*
 - ordinary services, 2417.
 - when aiding the civil authorities, 2418.
 - officers of boards, commissions and courts, 2419.
 - officers and enlisted men assigned to special duties, 2421.
 - allowances to officers to assist in uniforming and equipping themselves, 2422.
 - pay and care for men injured or disabled while engaged in military service, 2436.
- § 25. *Pensions.*
 - who entitled to, 2423.
 - striking names from pension rolls, 2424.
 - proof required to be placed on pension roll, 2424.
 - pension examiners,
 - duties enumerated, 2425.
 - pension examining board, appointment, 2425.
- § 26. *Special privileges.*
 - exemption of members from civil process, 2427.
 - right of way on highway, 2428.
 - right to free passage through toll gates, 2429.
 - exemption of members from jury duty, 2430.
- § 27. *Encampment ground.*
 - controlled by governor, 2432a.
 - military board for management of encampment ground, appointment, 2432a.
 - compensation of members of board, 2432b.
- § 28. *Military association.*
 - formation of association by a military company, 2437.
 - expulsion from military organization for violation of by-laws, 2438.
 - rules and regulations, 2439.
- § 29. *Appropriations.*
 - for erection of armories, 2413.
 - state treasurer to keep separate account with each company, 2413.
 - medals for service, appropriation for, 2426a.
 - appropriation for census and maintenance of national guard, 2442.
- § 30. *Military courts.*
 - in general, 2402.
 - officers of military courts exempt from prosecution for acting under authority of the court, 2403.
 - presumption of jurisdiction, 2404.
 - bond to secure presence of accused, 2405.
 - officers, 2405.
 - finer, collection, 2405.
 - court-martial, how constituted, 2406.
 - expenses of delinquency court, how paid, 2420.
 - powers of court-martial, not affected by penal code, 10379.
- § 31. *Offenses.*
 - unlawful wearing of uniform and devices indicating rank, penalty, 2431.
 - unlawful conversion of military property, penalty, 2431.
 - penalty for trespassing upon military grounds of state armory, 2432.
 - military parade by unauthorized body, 2433.

INDEX.

(References are to sections.)

MILITIA — (continued).

unauthorized organization of military company forbidden, 2433.
seizing military stores, punishment, 9847.

MILK.

See Dairy Products.

MU. LET.

weight of bushel of, 3006.

MILLS.

dams for milling purposes, 8304-8317.

MINERAL.

right to take as easement, 5330, 5331.

MINES AND MINING.

See Mining and Manufacturing Corporations.

§ 1. *In general.*

mines as real property, 2076.
minerals as real property, 2076.
quarries as real property, 2076.
owners of mines to furnish certain statistics to state statistician, 164.
duty to fill abandoned mines, 2000, 2001.
school of, in university to make experimental tests, 1573.
usage governs conflicting claims to mines, 8163.
right of mine owner to take lands by eminent domain, 8203.
state engineer as ex-officio coal mine inspector, 8239.
homicide in forceably taking mine, 9487.
conspiracy against, how punished, 10242.

§ 2. *Lode claim.*

length of, 2443.
width of, 2444.
discoverer to record claim, 2445.
manner of location, 2447.
surface boundary, how marked, 2448.
requisites of location, 2449.
time for sinking discovery shaft, 2450.
may not be followed beyond exterior line, 2452.
owner of surface may demand security from operator of mine, injunction, 2453.
annual work, amount required, 2455.
relocating abandoned claims, 2456.
location certificate,
 contents, 2445.
 to be recorded, 2445.
 when void for want of sufficient description, 2446.
 construction of certificate, 2451.
 right to file amended certificate, 2454.
 to contain but one location, 2457.
 fee for recording, 2458.

§ 3. *Disputed mining property.*

proceedings in district court for determination of rights to disputed mining property,
2459, 2460.
order of survey, when made, 2459.

§ 4. *Miner's lien.*

lien for work, or material furnished, 6836.
account of claim to be presented to the owner; amount to be deducted from payment
to contractor, 6837.

INDEX.

(References are to sections.)

MINES AND MINING — (continued).

duty of owner when account presented, 6838.
amount due contractor recovered from owner, 6839.
account to be made and filed with clerk, 6840.
foreclosure, 6841.
satisfaction must be granted when lien paid, 6842.
applicability of chapter to oil wells, 6843.

§ 5. Licenses and statistics.

license, how procured, 3081.
statistics to be furnished, 3082.
report to commissioner of agriculture, 3083.
penalty for failure to comply with law, 3084.

§ 6. Coal mines.

statistics, 170.
provisions for assessment of, 2119-2121.
valuation of, how to be determined, 2122.
side tracks, when required, 4767.

MINES, STATE SCHOOL OF.

See University of North Dakota.

MINING AND MANUFACTURING CORPORATIONS.

See Mines and Mining.

how formed; term of existence, 4981.
purpose to be stated, 4982.
loan to stockholders forbidden; penalty, 4982.
accounts; publicity; statement, 4983.
stockholders liable for labor, 4984.
annual report; verification, 4985.
demand for statement of assets and liabilities; penalty for refusal, 4986.
office out of state; main office in state, 4987.
directors liable for violation of law resulting in insolvency, 4988
to file statement before offering stock for sale, 4989.
form of statement, 4990.
secretary of state to keep docket of statements open for inspection, 4991.
penalty for violation of article, 4992-4994.

MINING EXPERIMENTAL STATION.

See North Dakota State University.

MINISTERS.

exempt from jury duty, 814.
to be member of board of visitors for poor farm, 2540.
may solemnize marriages, 4361.
not to solemnize marriage of unfit person, 4374.

MINK.

open season for, 10303.

MINORS.

See Infants.

MISBRANDING.

of seeds, prohibited, 2901.
of food, prohibited, 2880.

MISCEGENATION.

See Marriage, § 10.

INDEX.

(References are to sections.)

MISDEMEANOR.

See generally, **Crime**.

§ 1. *In general.*

as a crime, 9196.

defined, 9197, 10387.

no accessory in, 9220.

arrest for, when may be made, 10560.

duty of officer on arrest for, 10544.

defendant may appear by counsel, 10709.

presence of defendant at trial, 10771.

verdict in case of, presence of defendant on return, 10877.

judgment on, may be pronounced in absence of defendant, 10926.

punishment for, generally, 9205.

compromise of, provisions for, 11074.

limitation of prosecution for, 10522.

§ 2. *Certain acts designated.*

act of state board of control or subordinate in making excessive appropriations, 252.

removal or disposal of personal property on which taxes are unpaid, 2170.

to practice veterinary medicine, when, 2716.

to remove mortgaged personalty from county, 8135.

performance of act prohibited by statute, no other penalty prohibited, 9433.

aiding or abetting in commission of crime, as, 10333.

MISJOINDER.

of cause of action as grounds for demurrer, 7442.

MIS-LABELING.

of seeds, prohibited, 2901.

MISNOMER.

allowed, when, 7483.

in actions against corporations waived, 7983.

MISPRISION.

of treason; defined, 9448.

MISSOURI RIVER.

dedication of parks on islands in, 2071.

removing buoy from, misdemeanor, 10073.

requisites of passenger tickets on, 10026.

MISTAKE.

as avoiding contract, see **Contracts**.

classified, 5853.

mistake of fact, 5854.

mistake of law, 5855.

mistake of foreign law is mistake of fact, 5856.

restoration of thing obtained by, when to be made without demand, 5947.

as affecting right to specific performance of contract, 7198 (4).

things obtained through, held in trust, 6280.

MITIGATION OF PUNISHMENT.

court to hear evidence of, before sentence, 10937-10939.

restoration of property embezzled, 9939.

punishment for contempt as, 10332.

of juvenile offenders, 10347.

INDEX.

(References are to sections.)

MOCK AUCTION.

punishment for, 9972.

MONEY.

loan of, see Loan.

defined, 2074.

judicial notice of, 7938.

exchanged, warranted genuine, 6006.

obtained by sheriff by levy, not to be sent by mail, 7774.

attempting to extort, 9949.

obtaining by false pretense, 9970.

MONEY CHANGERS.

power of cities to tax, license and regulate, 3599 (70).

power of cities under commission form of government to license, tax and regulate, 3818 (65).

MONTH.

defined, 7305.

MOON.

judicial notice as to time when moon rises and sets, 7938.

MORAL OBLIGATION.

as good consideration for contract, 5873.

MORBID PROPENSITY.

to crime, no excuse for crime, 9209.

MORPHINE.

any product containing, must be labeled, 2942.

MORTALITY.

Carlisle tables of, as evidence, 7922.

MORTGAGE.

§ 1. Provisions relating to all mortgages.

in general,

mortgages defined, 6725.

formalities necessary, 6725.

lien of special, independent of possession, 6726.

possession unnecessary, when, 6727.

chapter on mortgages not applicable to bottomry, 6723.

when transfer deemed a mortgage, 6727.

when transfer may be shown to be a mortgage, 6729.

what may be mortgaged, 6730.

after-acquired title subject to, 6731.

mortgagor not bound to perform act secured, when, 6732.

assignment of debt carries security, 6733.

of property adversely held, 6734.

may confer power of sale, 6735.

— power of trust, 6736.

requisites of power of attorney to execute, 6737.

factor cannot execute mortgage on principal's property, 6370.

lien upon what property, 6738.

against all claiming under mortgagor; exception, 6739.

mortgagee not entitled to possession, 6740.

foreclosure, method of, 6741.

INDEX.

(References are to sections.)

- MORTGAGES** — (*continued*).
- in general — (*continued*).
 - duty of recorder of deeds as to recording mortgages, 3330.
 - fees for recording, 3511.
 - value of instrument in writing presumed to be that of the property to which it entitles its owner, 7180.
 - contracts of, subject to chapter on liens, 6703.
 - mortgaged property subject to execution, 7721.
 - mortgaged property subject to attachment, 7548.
 - assignment,
 - record of, 6742.
 - operation of record, 6742.
 - of what record of assignment is not notice, 6743.
 - discharge,
 - manner of discharge by certificate, 6744.
 - discharge by foreign executor or administrator, 6745.
 - discharge by heir or legatee, 6746.
 - discharge by foreign guardian of minor, 6747.
 - record of certificate of discharge, 6748.
 - mortgagee required to discharge, when, 6749.
 - penalty, 6749.
 - fees for satisfaction of, 3511.
- § 2. *Provisions as to mortgages on personalty.*
- in general,
 - form, 6756.
 - conditional sales to be in writing and filed, 6757.
 - void as to whom, unless filed, 6758.
 - filing, notice to whom, 6759.
 - where property in transit deemed to be, 6760.
 - mortgage as to personal property valid only as to property in county, 6761.
 - filing mortgage of personal property in different counties, 6761.
 - renewal, 6762.
 - how executed, 6763.
 - duty of register of deeds; cancellation, 3330, 6764.
 - registry index, 6765.
 - when mortgagee may take and dispose of property, 6766.
 - satisfaction of, before maturity, 6769.
 - ship mortgages,
 - where to be recorded, 6767.
 - provisions not applicable, 6767.
 - removing or destroying property subject to, 10248.
 - as payment of insurance premiums, void when, 4957.
 - fees,
 - fees for preparing abstract of, 3511.
 - fees for filing abstract of chattel mortgage, 3511.
 - fees for filing and indexing satisfaction of, 3511.
 - fees for filing and indexing renewal of, 3511.
 - foreclosure of chattel mortgage,
 - power of sale; foreclosure authorized, 8123.
 - when proceedings enjoined, 8124.
 - publication of notice of sale, 8125.
 - contents of notice, 8126.
 - when sale made; postponement, 8127.
 - report of sale, 8128.
 - disposition of proceeds, 8129.
 - who may purchase at sale, 8130.
 - stipulations waiving provisions of article void, 8131.

INDEX.

(References are to sections.)

MORTGAGE — (continued).

foreclosure of chattel mortgage— (continued).

fees for publication of notice, 8132.

places of sale designated, 8133.

how redemption from sale made, 8134.

certificate of redemption, 8136.

misdeemeanor to remove mortgaged property from county, 8135.

attorney's fees in foreclosure, 7792.

§ 3. Provisions as to mortgages on realty.

in general,

form, 6750.

how executed, acknowledged, certified and recorded, 6752.

possession of land not necessary to, 9407.

on life estate does not suspend power to lease, 5431.

— effect of, 5432.

right of executors and administrators to mortgage the estate of the decedent, 8790, 8791.

duty of executors, administrators or guardians upon the sale of land subject to mortgage, 8786.

effect of payment of taxes by mortgagee, 2211.

made or taken in good faith legalized, 5577.

for purchase price, priority of, 6715.

on road belonging to wagon road corporation, 4832.

what railroad fixtures subject to, 4623.

as security for loans and building associations, 5124.

assignment of mortgages securing loans from school fund, 292.

limitation of actions on contracts contained in, 7374.

record,

mortgage to be recorded, 5550.

how recorded, 6752.

to whom record is notice, 6753.

separate paper showing that grant was intended as mortgage to be recorded, 6754.

defeasance of defeasible grant to be recorded, 6755.

in unorganized counties, where recorded, 5559.

priority of number entered upon filing with register of deeds prima facie evidence of priority of filing, 3336.

record of satisfaction by railroad company, 4624.

on homestead,

as lien upon homestead, 5607.

of homestead in case of insanity, 5639.

devise of mortgaged property,

effect of, 5670.

title of mortgagor in good faith not impaired by devise, 5727.

satisfaction,

by railroad company, how executed and recorded, 4624.

by devisee, 6751.

foreclosure,

in general,

of mortgage, place of trial for, 7415.

foreclosure of mortgages securing loans from school fund, 292.

sheriff's fees for selling property on foreclosure, 3514.

necessity of presenting claim to executor or administrator before foreclosing mortgage against the estate, 8736.

limitation of actions for foreclosure of, 7374.

by advertisement,

power of sale; foreclosure authorized, 8073.

when proceedings enjoined, 8074.

INDEX.

(References are to sections.)

MORTGAGE — (continued).

foreclosure — (continued).

by advertisement — (continued).

- agent and attorney must have power of attorney to foreclose, 8075.
- foreclosure by attorney or agent not valid, when, 8076.
- prerequisites to right to foreclose, 8077.
- foreclosure for instalments, 8078.
- how notice published, 8079.
- form of notice, 8080.
- how sale made, 8081.
- separate sale of tracts, 8082.
- mortgagee may purchase, 8083.
- certificate of sale, contents, record, 8084.
- redemption,
 - by whom; rites, 8085.
 - notice to officer of redemption, 8086.
- disposition of surplus, 8087.
- petition of claimant for surplus, 8089.
- order directing payment, notice of, 8090.
- order for distribution, 8091.
- affidavit for publication filed, 8092.
- affidavit recorded, 8093.
- note on margin of mortgage record, 8094.
- duty of register of deeds, 8095.
- affidavit of mailing of notice by register, 8096.
- liability of register for judgment, 8097.
- costs and disbursements, 8098.

by action,

- authorized, 8099.
- judgment includes what, 8100.
- action includes other proceedings, 8101.
- parties defined, 8102.
- what complaint shall state, 8103.
- when judgment at law has been obtained, 8104.
- sale made by whom and where, 8105.
- certificate of sale, 8106.
- deed and effect thereof, 8107.
- application of proceeds, 8108.
- when surplus invested, 8109.
- dismissal of complaint on payment of instalments, 8110.
- when payment stays proceedings, 8111.
- referee to view premises, 8112.
- successive judgments and sales, 8112.
- sale of whole on first default, 8113.
- rebate on part not due, 8114.
- redemption, 8115.
- injury to property restrained, 8116.
- protection of purchaser for expenditures made during period of redemption, 8117.
- protection of redemptioner against expenditures, 8118.

MORTUARY TABLE.

- to be adopted by beneficiary association, 5054.

MOTHER'S DAY.

- governor to designate, 1916.

INDEX.

(References are to sections.)

MOTION.

defined, 7939.
what are preferred, 7942.
in special proceedings, defined, 8444.
where heard, 7941.
irrelevant and redundant pleading to be stricken out on, 7459.
to strike out sham defense, 7451.
to set aside information or indictment, 10727, 10729-10734.
to affirm, vacate or modify award of arbitrators, 8333-8336.
in arrest of judgment or to set aside judgment not entertained in justice's court, 9092.
decisions on motions to be made within what time, 7638.
service of notice of, 7947, 7955.

MOTOR CYCLES.

See Automobiles.

MOTOR VEHICLES.

See Automobiles.

MULES.

See Animals.

MULTIPLICITY OF ACTIONS.

right to injunction to prevent, 7213.

MUNICIPAL AUDITORIUM.

provisions for erection of in cities under commission form of government, 3813 (74).

MUNICIPAL BONDS.

See Bonds, State, County and Municipal, §§ 4-6.

MUNICIPAL CORPORATION.

as to incorporation of cities, see Cities, § 2.
as to incorporation of villages, see Villages, § 2.
as to incorporation of towns, see Towns, §§ 2, 3.
as to organization of townships, see Townships, § 2.
purpose of, 4499.
how regulated, 4499.
property of as exempt from taxation, 2078.
personal service of summons on, how made, 7426.
injunction to prevent a legislative act by municipal corporations, 7214.
non-partisan elections, how conducted in, 902, 903.
officers,
 penalty for omission of duty and wilful misconduct, 3577.
deputy officer must be resident and citizen, 705.

MURDER.

See Homicide.

MUSEUM.

specimens to be collected for, 1565.

MUSKETS.

loan of, by adjutant-general authorized, 1560, 1561.

MUSK-RAT.

open season for, 10303.

INDEX.

(References are to sections.)

MUSTARD.

as a noxious weed, 2817, 2900.

MUTUAL CONSENT.

defined, 5857.

NAME.

§ 1. *In general.*

townships, how named, 4074-4077.

of special partnership to be certified, 6435.

corporation must have, 4497.

— cannot be changed without express authority, 4497.

of county mutual insurance companies, how composed, 4932.

of defendant, how fixed in information or indictment, 10723-10725.

registration of farm names, 5553-5556.

§ 2. *Provisions for change of.*

of individual, 8496-8499.

of towns or villages, 3974-3979.

of corporation, 4563.

§ 3. *Use of fictitious name for defendant.*

fictitious name to be used where defendant's is unknown, 7484.

fictitious, used in indictment, when, 10687.

§ 4. *Forgery or unlawful use of fictitious name.*

use of fictitious partnership name, misdemeanor, 9710.

unauthorized use of, in prospectus or subscription list of corporation, 10005.

signing fictitious name to stock subscription, misdemeanor; 10003.

bringing action in false, misdemeanor, 9436.

signing fictitious name as forgery, 9912.

signing own, as name of another, forgery, 9908, 9909.

NATIONAL DELEGATES.

election of, see Elections, Primary, § 7.

NATIONAL GUARD.

See Militia.

NATURAL GAS.

See Gas.

NATURALIZATION.

fee for filing of naturalization papers with clerk of district court, 3498.

NAVIGABLE RIVERS.

See Waters.

NAVIGATION.

See Waters.

NECESSARIES.

husband and wife jointly liable for, 4414.

husband liable for wife's, 4415.

furnished to child, parents liable, when, 4432-4433.

for parent, promise of adult child binding, 4431.

lunatics cannot disaffirm contracts for, 4343.

minors cannot disaffirm contracts for, 4341.

NECESSITY.

works of, not Sabbath breaking, 9236.

INDEX.

(References are to sections.)

NEGLECTED CHILD.

defined, 11403.

NEGLECT, WILFUL.

defined, 4384.

as ground of divorce, 4380.

duration of, as ground for divorce, 4380.

NEGLIGENCE.

§ 1. *In general.*

defined, 10358.

degrees of, 7282.

liability for wrongful act of, 5945.

of clerk of district court on change of venue; penalty, 10764.

killing of stock by railroad prima facie evidence of, 4644.

personal liability of ship master for, 6381.

in management of steamboat, 9708.

in management of passenger vessel, 9707.

insurance company liable for loss caused by negligence of insurer, 6540.

liability of employee for, 6124.

depository guilty of, when, 6024.

§ 2. *Contracts against.*

contracts to avoid liability for, void, 4806.

carrier cannot stipulate against. 6241.

contracts relieving railroad company from, void, 4790.

§ 3. *Liability for negligence of another.*

principal responsible for agent's, 6356.

liability of employer for employee's, 6108.

liability of master for negligence of pilot, 6383.

liability of master for negligence of crew, 6382.

§ 4. *Causing death.*

overloading vessel causing death, punishment, 9493.

in racing boat resulting in death, punishment, 9494.

of engineer causing death, manslaughter when, 9495.

NEGLIGENT.

defined, 10358.

NEGOTIABLE INSTRUMENTS.

§ 1. *Negotiable instruments act.*

in general,

form and interpretation,

instrument must conform to specified requirements, 6886.

"sum payable" defined, 6887.

unqualified order or promise to pay, what is, 6888.

"determinable future time," what is, 6889.

when instrument is negotiable, 6890.

validity of negotiable character, 6891.

payable on demand, when instrument is, 6892.

payable to order, when instrument is, 6893.

payable to bearer, when instrument is, 6894.

instrument need not follow language of chapter, 6895.

presumption as to date of instrument, 6896.

antedate and postponed date, validity as affected by, 6897.

undated instrument, 6898.

incomplete blank may be filled by whom, 6899.

incomplete instrument not valid, 6900.

incomplete and revocable until delivery, 6901.

INDEX.

(References are to sections.)

NEGOTIABLE INSTRUMENTS — (continued).

in general — (continued)

form and interpretation — (continued).

ambiguous language, effect of, 6902.

signatures,

liability of signer generally, 6903.

signature may be made by agent, 6904.

addition to signers, 6905.

“procurator,” 6906.

indorsement by corporation, 6907.

forged signature, 6908.

consideration,

presumption of valuable consideration, 6909.

value defined, 6910.

value for consideration, 6911.

holder of, with lien deemed holder for value, 6912.

absence of consideration, 6913.

accommodation party defined, 6914.

negotiation,

what is negotiation, 6915.

indorsement, 6916.

indorsement of entire instrument, 6917.

indorsement classified, 6918.

indorsement in blank, 6919.

indorsement in blank, how converted, 6920.

restrictive indorsement, 6921.

rights of indorsee, 6922.

conditional indorsement, 6924.

special indorsement of instrument payable to bearer, effect of, 6925.

indorsement by several or more payees, 6926.

instrument indorsed to “cashier,” 6929.

form of indorsement where names have been misspelled, 6928.

indorsement in representative capacity so as to negative personal liability, 6930.

presumption as to date of instrument, 6930.

presumption of place of indorsement, 6931.

restrictive indorsement, effect of, on negotiability, 6932.

right of holder to strike out indorsement, 6933.

transfer without indorsement, 6934.

reissuance of indorsement, 6935.

rights of holder,

may sue in own name, 6936.

holder in due course, who is, 6937.

holder in due course, of instrument payable on demand, 6938.

notice to transferee of infirmity before full value paid, 6939.

defective title, what constitutes, 6940.

notice of infirmity, what constitutes, 6941.

holder in due course, who is, 6942.

rights of holder not in due course, 6943.

rights of holder from holder in due course, 6943.

presumption as to holder in due course, 6944.

liability of maker, 6945.

drawer may limit his liability, 6946.

admissions of acceptor, 6947.

presumption as to person whose name appears on paper, 6948.

liability of indorser, 6949.

qualified warrants, what, 6950.

instrument without qualifications warrants what, 6951.

INDEX.

(References are to sections.)

NEGOTIABLE INSTRUMENTS — (continued).

in general — (continued).

rights of holder — (continued).

effect of indorsement on instrument negotiable by delivery, 6952.

order of liability of indorsers, 6953.

joint indorsers, joint and several liability of, 6953.

negotiation of unindorsed instrument by agent, 6954.

presentment for payment,

effect of generally, 6955.

time of presentment, 6956.

presentment, how made, 6957.

where presentment must be made, 6958.

indorsement must be exhibited, 6959.

where instrument is payable at bank, 6960.

presentment to personal representative, when, 6961.

presentment when partnership is liable, 6962.

presentment where several persons are liable, 6963.

when presentment is not required, 6964.

when presentment is not required to charge indorser, 6965.

delay in presentment, when excused, 6966.

presentment, when dispensed with, 6967.

when day of maturity falls upon Sunday or holiday, 6970.

payment,

time of payment, how fixed, 6971.

days of grace abolished, 6970.

effect of making instrument payable at bank, 6972.

when made in due course, 6973.

dishonor,

when instrument is dishonored, 6968.

effect of dishonor by non-payment, 6969.

notice of,

must be given, 6974.

by whom given, 6975.

notice by agent, 6976.

on behalf of holder, 6977.

— in behalf of other parties, 6978.

notice in case of instrument in hands of agent, 6979.

misdescription does not vitiate, 6980.

notice may be written or oral, 6981.

notice of dishonor, to whom given, 6982.

notice to personal representative, 6983.

notice in case of partners, 6984.

notice in case of joint parties, 6985.

notice in case of bankruptcy or insolvency, 6986.

notice to be given as soon as instrument is dishonored, 6987.

period of time within which notice must be given, 6988.

how notice given, 6988.

notice by mail, 6989.

not affected by miscarriage of mail, 6990.

deposit of notice in branch post-office, 6991.

notice to antecedent parties, 6992.

notice must be sent to proper address, 6993.

waiver of notice, 6994.

waiver may be implied or express, 6994.

waiver binding, 6995.

definition of waiver, 6996.

notice may be dispensed with, 6997.

INDEX.

(References are to sections.)

NEGOTIABLE INSTRUMENTS — (continued).

in general — (continued).

dishonor — (continued).

notice of — (continued).

when delay in giving notice is excused, 6998.

when notice not required, 6999.

notice to indorser not required, when, 7000.

notice of dishonor by non-acceptance, effect of, 7001.

omission to give notice of dishonor by non-acceptance, effect of, 7002.

protest for non-acceptance, 7003.

discharge,

when negotiable instrument is discharged, 7004.

when person secondarily liable is discharged, 7005.

effect of payment by person secondarily liable, 7006.

discharge by renunciation of holder's rights, 7007.

discharge by cancellation, 7008.

discharge by alteration, 7009.

what alterations material, 7010.

bills of exchange,

form and interpretation,

in general, 7011.

does not operate as assignment of funds, 7012.

general drawers, 7013.

inland or foreign bill, 7014.

drawer or drawee, 7015.

referee in case of need, 7016.

acceptance,

in general, 7017.

acceptance to be written on bill, when, 7018.

written acceptance not binding, when, 7019.

effect of unconditional promise of acceptance, 7020.

time allowed drawee for acceptance, 7021.

effect of destruction of bill of drawee, 7022.

acceptance before signatures, 7023.

acceptance general or qualified, 7024.

general acceptance, what is, 7025.

qualified acceptance, what is, 7026.

holder may refuse qualified acceptance, 7028.

presentment for acceptance,

where made, 7028.

holder must accept or negotiate, 7029.

presentment must be made at reasonable hour, 7030.

— on any day except holiday, 7031.

presentment for payment before acceptance, when excusable, 7032.

dishonor by constructive non-acceptance, 7033.

dishonor by non-acceptance, 7033a.

dishonor by non-acceptance within prescribed time, 7034.

right of recourse after non-acceptance, 7035.

protest,

for non-payment, 7036.

protest, how paid, 7038.

protest to be attached to bill, 7037.

protest to be made on day of dishonor, 7039.

to be made at place where dishonored, 7040.

protest for non-payment after protest for non-acceptance, 7041.

protest where acceptor is bankrupt, 7042.

when protest dispensed with, 7043.

protest of lost or destroyed bill, 7044.

INDEX.

(References are to sections.)

NEGOTIABLE INSTRUMENTS — (continued).

bills of exchange — (continued).

acceptance for honor,

when may be made, 7045.

must be in writing, 7046.

acceptance when deemed for honor of drawer, 7047.

liability of drawer to holder, 7048.

what acceptor for honor engages to do, 7049.

acceptance for honor of bill payable after sight, 7050.

acceptance for honor of dishonored bill, 7051.

presentment for payment, how made, 7052.

delay in making payment, effect of, 7053.

protest for non-payment by acceptor for honor, 7054.

payment for honor,

when may be made, 7055.

notarial act of honor, 7056.

— founded on declaration, 7057.

where two or more persons offer to pay bill, 7058.

where bill has been paid for honor, 7059.

where holder refuses to receive payment, 7060.

rights of payor for honor, 7061.

bills in a set,

when constitutes one bill, 7062.

two or more parts of set, 7063.

two or more parts indorsed, 7064.

acceptance may be written, 7065.

acceptor liable to holder, 7066.

when whole bill is destroyed, 7067.

promissory notes and checks,

negotiable promissory note defined, 7068.

check defined, 7069.

check must be presented within reasonable time, 7070.

certified checks, 7071.

drawer of check, when not liable, 7072.

check, operation of, as an assignment, 7073.

general provisions,

chapter to be known as negotiable instrument law, 7074.

definition of terms used in chapter, 7075.

person primarily liable on instrument, 7076.

“reasonable” and “unreasonable” time, how determined, 7077.

when provisions of chapter apply, 7078.

when rules of law merchant govern, 7079.

§ 2. General provisions applicable to negotiable instruments.

in general,

judicial notice of the law merchant, 7938.

given for lightning rods, patent rights, patent medicines, stallions, etc., indorsed how, 10251.

not to be given in payment of capital stock, 4531.

use of worthless, false pretense, 9971.

liability of bank officer or employee paying draft, 5184.

presumption of time of indorsement, 7936.

what tokens of indebtedness are negotiable,

corporate stock, 4527.

bill of lading, 6210.

county bonds declared negotiable, 3456.

county bonds for the erection of county buildings declared negotiable, 3468.

city refunding bonds issued in conformity to law declared negotiable, 4025.

INDEX.

(References are to sections.)

NEGOTIABLE INSTRUMENTS — (continued).

what tokens of indebtedness are negotiable — (continued).

refunding bonds issued by incorporated towns and villages, school districts and townships declared negotiable when issued in conformity to law, 4037.

protest,

protest before notary, 839.

service of notice of protest of, 840.

protest fee of notary, 841, 3529.

records of notices of protest to be kept, 842.

certain protests legalized, 850.

§ 3. Bills of exchange (old law).

form and interpretation,

bills of exchange defined, 7081.

additional drawee may be named, 7082.

bill may be drawn in parts, 7083.

drawer bound to execute in three parts, when, 7084.

presentment of single part sufficient, 7085.

where payable, 7086.

drawer's rights, 7087.

days of grace abolished, 7088.

presentment for acceptance,

when presented, 7089.

refusal dishonors bill, 7089.

how made, 7090.

excused as to others if refused by one, 7091.

not dishonored without presentment to drawee in need, 7092.

of bill payable specified time after sight, 7093.

acceptance,

must be in writing, 7094.

may be treated as dishonor after acceptance is qualified, 7095.

when sufficient acceptance, 7096.

when acceptance upon separate instruments is binding, 7097.

when unconditional promise to accept is sufficient, 7098.

when acceptance may be canceled, 7099.

when acceptance admitted, 7100.

acceptance or payment for honor,

may be accepted for honor, when, 7101.

holder bound to accept payment on non-acceptance, 7102.

acceptance for honor, how made, 7103.

reimbursement, 7103.

presentment of notice of dishonor of bills so accepted, 7104.

acceptance does not excuse notice, 7105.

presentment for payment,

at place specified by bill, 7106.

at place fixed by acceptance, 7107.

of bill payable at sight, 7108.

mere delay does not exonerate, 7109.

excuse of presentment of notice, 7110.

incapacity to accept, 7110.

delay from uncontrollable cause, 7111.

acceptance by drawee forbidding acceptance and payment, 7112.

foreign bills,

foreign and inland bills defined, 7113.

notice of dishonor only by protest, 7114.

protest to be made by whom, 7115.

form of protest, 7116.

where protest made, 7117.

protest to be noted, how, 7118.

INDEX.

(References are to sections.)

NEGOTIABLE INSTRUMENTS — (continued).

- foreign bills — (continued).
 - want of protest, how excused, 7119.
 - notice of protest, how given, 7120.
 - when notice of protest same as on inland bill, 7121.
 - requisites to reimburse on payment of dishonor, 7122.
 - to whom and when damages allowed, 7123.
 - rates of damages, 7124.
 - damages estimated in United States money, 7125.
 - damages in foreign money, 7126.
 - measure of damages for dishonor of foreign bills of exchange, 7149.
- § 4. *Promissory notes (old law)*.
 - defined, 7126.
 - when bill of exchange deemed note, 7128.
 - bill accepted by other than drawee becomes note, 7128.
 - other laws applicable, 7129.
 - when indorsee exonerated on sight or demand note, 7130.
- § 5. *Checks (old law)*.
 - defined, 7131.
 - subject to provisions on bills, 7132.
 - bank's liability to depositor limited, 7133.
 - no days of grace on, 7132.
- § 6. *Bonds, bank notes and certificates of deposits (old law)*.
 - bank notes negotiable after payment, 7134.
 - title by transfer before and after dishonor, equal, 7135.

NEGROES.

- defined, 9583.
- marriage between negro and white person prohibited, 9582-9588.

NETS.

- seizure of, when, 10278.

NEW PROMISE.

- to stop running of statute of limitations must be in writing, 7395.

NEWSPAPER.

- messages for, entitled to preference, 6263.
- false statements to increase circulation, misdemeanor, 9788.
- qualification of, to do public printing, 3173, 3176.
- copies to be filed with state historical society, 3173.
- designation of official paper by county commissioners, 3307.
- when to be published, 3311.
- official, for publication of notice of estrays, 2659.
- selection of newspapers for publication for proposed constitutional amendments, 3189.
- official newspapers in cities adopting commission form of government, 3813.
- official newspaper of the city to be designated annually by city council, 3598.
- right of plaintiff to designate newspaper for publication of legal notices, 3540.
- rates,
 - legal rates for publication of notices required by law, 3540.
 - rates for political advertising, 938.
 - fees for publication of notice of chattel mortgage sale, 8132.
 - legal rates for printing proceedings of board of county commissioners, 3309.

NEW TRIAL.

- See Trial, § 12; in criminal actions, see Criminal Procedure; see also Appeals.
- in county court with increased jurisdiction, see Courts, County Courts with Increased Jurisdiction, § 8.

INDEX.

(References are to sections.)

NIGHT FLOWERING CATCHFLY.

as noxious weed, 2900.

NIGHT-TIME.

defined as to arson, 9852.

defined as to burglary, 9881.

larceny from person in, 9920.

arrest in, when, 10560-10569.

when search warrant may be served at, 11138.

NITRO-GLYCERINE.

judicial notice of the explosive character of, 7938.

power of cities as to the storage of, 3599 (50).

power of cities under commission form of government to regulate and prevent storage of, 3818 (45).

NOISES.

power of cities to prevent and suppress, 3599 (54).

— cities under commission form of government, 3818 (49).

— of villages, 3861 (12).

NOLLE PROSEQUI.

entry of, abolished, 11170.

NOMINAL DAMAGES.

See Damages.

NOMINATIONS.

See Elections, § 6.

as to primary elections, see Elections, Primary.

NON-PARTISAN ELECTIONS.

See Elections, § 16.

NON-RESIDENTS.

right of non-resident attorney to practice law, 793.

guardian of property of, 4459.

procedure for the distribution of estate of deceased non-resident, 8861-8866.

disposition of shares of decedent's estate belonging to non-residents, 8867-8873.

disqualified to act as deputies or clerks of certain officers, 705.

transfer of stock by, 4556.

regulations concerning, in motor vehicle law, 2976k.

may be member of county mutual insurance company, 4947.

cannot be director of county mutual insurance company, 4947.

not to act as insurance agent, 4926.

license for hunter who is, 10300.

disposition of insane, 2561.

overseers of the poor to care for, 2522.

fee for attendance on school for deaf and dumb, 1686.

must furnish surety for costs, 7812.

to give security for costs in justice's court, 9020.

issuance of attachment against, 7537.

judgment against non-resident intestate, 7410.

NON-SUPPORT.

desertion or refusal to support by husband or father, 9596.

proceedings, how instituted, 9596.

temporary order for support, 9597.

INDEX.

(References are to sections.)

NON-SUPPORT — (continued).

order for periodical payment released on probation, 9597.
trial and suspended sentence, 9598.
forfeiture, to whom paid, 9599.
evidence generally, 9600.
payment of earnings of person incarcerated, 9601.
construction of act, 9602.
remedies cumulative, 9603.

NORMAL SCHOOLS.

§ 1. *In general.*

school designated, 1578.
purpose of schools, 1579.
interest and income of schools, 1580.
separate funds, 1581.
government and control of schools, 1582.
constitution of normal school board, 1583.
membership of,
 appointment of members, 1584.
 term of office, 1584.
 superintendent of public instruction *ex officio* member, 1107.
 commission to be issued to members, 1585.
quorum of board, 1585.
president and secretary of board, 1585.
meetings of board, 1586.
compensation of board, 1586.
money, grounds, building and expenses of board, 1587.
faculty and employees to be elected by board, 1588.
board to make necessary rules and regulations for government, 1589.
faculty of normal schools, 1590.
 duties of faculty, 1590.
president of normal school,
 member of state board of education, 1423.
 duties of, 1591.
 traveling expenses of president, 1591.
 annual report of, 1592.
biennial report of board, 1593.
diplomas,
 to be issued to graduates of schools, 1594.
 to serve as teachers' licenses, 1595.
right to lease portion of campus to students' club house or dormitories, 1738.
treasurer,
 duties in general, enumerated, 1808.
 bond, 1808.
accounting officer, 1807, 1811, 1816.
annual tax for maintenance of, 1416.
taxation for bond interest and sinking fund, 2282-2283.
request for state appropriation, 1740.
apportionment of state fund raised by taxation, 1745.

§ 2. *At Ellendale.*

objects, 1725.
management, 1727.
faculty, 1732.
 duty to make annual report to board of trustees, 1737.
military instruction, 1733.
military equipment, 1735.
inspection of military companies by adjutant-general, 1734.

INDEX.

(References are to sections.)

NORMAL SCHOOLS — (continued).

- trustees,
 - appointment, 1727.
 - compensation, 1728.
 - bond, 1729.
 - oath of office, 1729.
 - power to receive and dispose of property for the benefit of the school, 1731.
 - duty to make biennial reports to governor, 1737.
- secretary,
 - election, 1728.
 - qualifications, 1728.
 - compensation, 1728.
- buildings,
 - superintendent of construction, 1730.
 - proposal for erection of, 1730.
 - plans and specifications for, 1729.
- endowment, 1426.
- request for state appropriation, 1740.
- state appropriation, 1736.
- annual tax for maintenance of, 1416.
- portion of state fund raised by taxation, 1745.
- funds to be kept by state treasurer, 1731.
- accounts, how audited, 1731.

NORTH DAKOTA BANKING ASSOCIATION.

- president and secretary of members of state banking board, 5146.
- See also Banks and Banking.

NORTH DAKOTA BLIND ASYLUM.

- under management of state board of control, 243.

NORTH DAKOTA FIREMEN'S ASSOCIATION.

- appropriation for, 1839.
- officers. reports of, 1840.
- bond for faithful distribution of state appropriation, 1841.
- tournaments, time and place of holding, 1841.
- members exempt from poll tax, 1842.
- duties of secretary as to insurance tax for fire department of cities, villages and towns, 3997.

NORTH DAKOTA LIVE STOCK ASSOCIATION.

- See Animals, § 17.

NORTH DAKOTA STATE TUBERCULOSIS SANITARIUM.

- under management of state board of control, 243.

NORTH WING CAPITOL BONDS.

- See Bonds, State, County and Municipal. § 1.

NOTARY PUBLIC.

§ 1. In general.

- appointment of, 835.
- qualifications of, 835.
- term of office, 835.
- oath of, 837.
- bond of, 663, 837.
- fee of clerk of district court for approving bonds of, 3498.
- vacancy in office of, 838.

INDEX.

(References are to sections.)

NOTARY PUBLIC— (continued).

- disposition of records, 835.
- penalty for mutilation or destruction of records, 838.
- removal from county, effect of, 846.
- penalty for acting when disqualified, 849.
- official acts valid in certain cases, 850.
- contempt before, punishment of, 8200.
- § 2. *Commission.*
 - commission to be issued by secretary of state, 836.
 - commission to be posted in notary's office, 836.
 - fees to be paid for, 836.
 - commission to be recorded with clerk of district court, 845.
 - revocation of commission, 847.
 - notices, 847.
 - date of expiration of commission to be noted after acknowledgment, 848.
- § 3. *Seal.*
 - to provide an official seal, 844.
 - impression of seal with oath of office and bond to be filed in office of the secretary of state, 844.
- § 4. *Powers of.*
 - in general, 835.
 - authorized to administer oaths, 833.
 - may take acknowledgment at any place within state, 5503.
 - may issue subpoena, 7872.
 - may take deposition, 7891.
- § 5. *Duties of, in respect to protest of commercial paper.*
 - in general, 839.
 - service of notice of protest of commercial paper, 840.
 - protest fees, 841.
 - required to keep records of notices of protest, 842.
- § 6. *Fees.*
 - schedule of fees authorized to be charged, 3529.
 - fees for entering and indexing commissions of notary public with clerk of district court, 3498.

NOTE.

See Negotiable Instruments.

NOTES OF ISSUE.

- contents of, 7610.
- filing of, 7011.
- when need not be filed, 7010, 9172.
- in eminent domain proceedings, when filed, 8213.

NOTICE.

service of process and notices relating to decedent's estate in county court, see **County Court.**

§ 1. *In general.*

- classified, 7287.
- actual notice defined, 7288.
- constructive notice defined, 7289, 7290.
- to be in writing, 7950.
- when unnecessary, 7956.
- legal rate for publication of notices required by law, 3540.
- right of plaintiff to designate newspaper for publication of legal notices, 3540.
- false, not validated by happening of the event, 7290.
- obligation of carrier not limited by, 6240.
- of mechanic's lien to be filed, 6815, 6816.

INDEX.

(References are to sections.)

NOTICE— (continued).

§ 2. *Service of.*

- how served, 7951.
- by mail, when, 7952.
- method of service by mail, 7953.
- double time when served by mail, 7954.
- personal service of, when to be made, 7955.
- service of notice of motion, 7947.
- served on non-resident, 7957.
- of contest of election, how served, 1046.
- of entry of judgment, when served, 7678.
- of no personal claim, proof of service, 7436.
- on commissioners of insanity, how served, 2549.

§ 3. *Record as.*

- record of instrument as constructive, 5597.
- from record of assignment of mortgage, 6743.
- record of mortgage notice to whom, 6758.

§ 4. *In court actions and proceedings.*

- of impeachment proceedings, 10444-10445.
- of holding special term of supreme court, 715.
- of no personal claim, 7424.
- of apportionment and drawing of jurors, 819.
- of taxation of costs, 7800.
- of motion for new trial, contents of; when heard, 7663.
- order made without, how vacated and modified, 7946.
- of proceedings to be given to state's attorney, 11380.
- of application for new trial in criminal procedure, 10918.

§ 5. *In miscellaneous matters.*

- of change in schedule of rates and fares, 4725.
- to be given to consignee by carrier, 6204.
- of abandonment in marine insurance, 6597-6599.
- of loss to insurance company, 6541-6546.
- for abatement of private nuisance, when required, 7242.
- of renunciation of partnership, 6399, 6400.
- of wrongful detention of deposit, 6017.
- of adverse claim to deposit, 6016.
- of assessment of stock, 4574.
- application to district court for altering or vacating town plats, 3960.
- to parties of petition for laying out, altering or discontinuing highway, 1925.
- to close gates on inclosed farm, 10088.
- for the destruction of gophers, how served, 2870.
- of taking up estrays, 2658.
- of meeting of town board of review, 2134.
- to person assessed, for road tax, 2010.
- of sale of real estate for delinquent taxes, 2189.

§ 6. *Of contest of election.*

- of contest in legislative elections, 1070.
- of contest of presidential electors, 1062.

§ 7. *In foreclosure proceedings.*

- to foreclose mortgage, how given, 8079.
- form of, to foreclose mortgage by advertisement, 8080.
- of foreclosure of land contract, 8121.
- of chattel mortgage sale, publication of, 8125.
- of chattel mortgage sale, contents of, 8126.

§ 8. *By landlord or tenant.*

- of termination of tenancy at will, 5326.
- of intention to re-enter, 5328.

INDEX.

(References are to sections.)

NOTICE.— (continued).

- to change terms of lease, 5347.
- of adverse proceedings, tenant to give, 6097.

NOTICE OF TRIAL.

- contents and service of, 7610.

NOVATION.

- defined, 5829.

NOXIOUS WEEDS.

- See Weeds.

NUISANCES.

§ 1. *General principles.*

- nuisance defined, 7228.
- public nuisance defined, 7229.
- private nuisance defined, 7230.
- nothing done under authority of statute to be deemed nuisance, 7231.
- liability of successive owners for not abating, 7232.
- right to damages not to be prejudiced by abatement, 7233.
- not legalized by lapse of time, 7234.
- remedies against, 7235.
- indictment for, 7236.
- civil action, 7237.
- abatement by public officer, 7238.
- by private person, 7239.
- who may bring action for, 8166.
- abatement of, by board of health, 417-420.
- appeal on judgment abating, how stayed, 7830.

§ 2. *Public.*

- defined, 9742.
- unequal damage, immaterial, 9743.
- maintaining nuisance, misdemeanor, 9744.

§ 3. *Private.*

- defined, 7230.
- remedies against, 7240.
- when notice required, 7242.
- how person may abate, 7241.

§ 4. *What constitutes.*

- certain weeds and grass declared public nuisance, 623.
- gambling house as, 9691-9700.
- keeping of gambling apparatus as, 9677.
- lottery deemed common, 9661.
- bawdy house as, 9644.
- place used for smoking opium, 10177.
- place of sale of intoxicating liquor, 10117.

§ 5. *Powers of municipalities.*

- power of cities to declare what shall constitute, 3599 (57).
- power of cities to abate nuisances, 3599 (57).
- power of cities to impose fines upon persons who create and continue, 3599 (57).
- power of cities under commission form of government as to, 3818 (52).
- power of trustees of villages, to declare and abate nuisances, 3861 (4).
- procedure for the abatement of nuisance of board of health in townships and villages, 4179.
- procedure where board of health of township or villages have been denied the right to enter upon premises for the purpose of examining into, destroying or preventing nuisances, 4180, 4181.

INDEX.

(References are to sections.)

NUNCUPATIVE WILL.

See Wills.

NURSERIES.

inspection of nurseries and nursery stock authorized, 2824.
duty of agent of director of North Dakota experiment station, 2825.
shipment of stock to be labeled, 2826.
director may demand list of persons to whom defective stock is sold, 2827.
certificate of inspection, how obtained; fee, 2828.
license to sell nursery stock, 2830.
bond for selling of nursery stock, 2830.
certified statements of sale, 2831.
penalty for violation of article, 2832.
compensation and expenses of agent, 2833.
director to report to governor, 2834.

OATH.

§ 1. *In general.*

defined, 2074.
defined as to perjury, 9367.
irregularities in testimony no defense to perjury, 9369.
includes affirmation, 7309.
when person may affirm instead of being sworn, 834.
in code of criminal procedure includes affirmation, 11176.
fee of clerk of district court for administering oath, 3493.
official, indorsed on bond, 661.
oath of deputy officer to be indorsed on his bond, 703.
extra judicial, what is, 9399.
— administering, misdemeanor, 9400.

§ 2. *Who may administer.*

officers authorized to administer, generally, 833.
notaries public, 833.
power of commissioner of deeds to administer, 603.
state board of examiners for sterilization, 11432.
county superintendent of schools, 1133.
drain commissioners, 2493.
city clerks, 4196.
city auditors, 4196.
recorders of towns or villages, 4196.
township clerk, 4196.
sheriff may administer to jury when, 7728.

§ 3. *Oaths in court proceedings.*

of referee, 7651.
of interpreter, 7926.
of jurors, 7618.
of witness, 7882.
of prisoner on civil process, 8487.
of jurors in justice's court, 9094.
of officer in charge of jury in justice's court, 9098.
of grand jury, 10651.
— foreman, 10650.
of witness before grand jury, 10658.

§ 4. *Form of oath to be administered.*

to administrators, 8684.
to executors, 8684.
to guardians, 8684.
to civil officers, 661.
of election officers, 954.

INDEX.

(References are to sections.)

OATH.— (continued).

- of city officers, 3615.
- oath to be administered by coroner to witnesses attending inquest, 3410.
- of claimant in insolvency proceedings, 3409.
- form of oath to be subscribed to by officers whose salary is in the nature of a per diem, 3551.

§ 5. Official oaths.

- miscellaneous officers,
 - city commissioner's oath of office, 3791.
 - of arbitrators, 8330.
 - of deputy officers, 703.
 - township officers, 4159, 4160.
 - of attorney, 791.
 - of notary public, 837.
 - of appraisers of homestead, 5614.
 - of appraisers on execution, 7735.
 - of appraisers of property of decedent's estate, 8720.
 - of insolvent for discharge, 8430.
 - of bank officers, 5180.
 - of director of savings bank, 5195.
- of state officers and boards,
 - of state engineer and assistant, 8241.
 - of tax commissioner, 2084.
 - of members of state board of control, 237.
 - of members of board for trial of contest for presidential electors, 1059.
 - of superintendent of state reform school, 11277.
 - of trustee of penitentiary and reform school, 11193.
 - of board of trustees of school for deaf and dumb, 1683.
 - superintendent of state hospital of the insane, 1757.
 - trustees of state hospital for the insane, 1750.
 - of trustees of soldier's home, 1780.
 - of members of state board of examiners in optometry, 526.
 - of state board of embalmers, 540-544.
 - of members of board of trustees of agricultural college, 1607.
 - of directors of state school of forestry, 1676.
 - of members of state live stock sanitary board, 2682.
 - of executive officer of state live stock sanitary board, 2683.
 - of inspector of oils, 3061.
- of county officers and boards,
 - of assessors, 2126.
 - of commissioners of insanity, 2548.
 - of trustee of agricultural training school, 1459.
 - of sheep inspector, 2744.
 - oath of chairman and marker employed to assist county surveyor, 3434.

OATS.

- weight of bushel of, 3006.
- rate of taxation of, 2256.

OBEDIENCE.

- employee must obey employer, 6115.

OBLIGATIONS.

§ 1. In general.

- definition, 5763.
- origin and enforcement of, 5764.
- rules for interpretation of, 5765.
- how classified, 5766.

INDEX.

(References are to sections.)

OBLIGATIONS — (continued).

- when presumed joint, 5767.
- right to contribution by joint obligors, 5768.
- legal or moral, as good consideration for contract, 5873.
- § 2. *Conditional.*
 - conditional obligations defined, 5769.
 - conditional obligations classified, 5770.
 - condition precedent defined, 5771.
 - conditions concurrent defined, 5772.
 - conditions subsequent defined, 5773.
 - performance of, as prerequisite to enforcement, 5774.
 - enforcement without performance as waiver of performance, 5775.
 - impossibility or unlawful conditions, joint, 5776.
 - condition involving forfeiture strictly interpreted against party benefited, 5777.
- § 3. *Alternative.*
 - option to perform, 5778.
 - option passes, when, 5779.
 - must select one in its entirety, 5780.
 - valid alternative prevails, 5781.
- § 4. *Transfer of.*
 - right arising out of obligation may be transferred, 5783.
 - with beneficiary's consent, 5782.
 - of non-negotiable contract by indorsement, 5784.
 - covenants running with the land, 5785.
 - what covenants run, 5786.
 - covenants made for benefit of property, 5787, 5788.
 - covenant limited to certain assigns, 5789.
 - binds only owner of whole estate, 5790.
 - holder of estate liable only while holding, 5791.
 - burden or benefit, apportioned when, 5792.
- § 5. *Extinguishment of.*
 - full performance, 5793.
 - performance by one extinguishes liability of all, 5794.
 - performance to one extinguishes as to all, 5795.
 - exceptions, 5795.
 - performance as directed extinguishes, 5796.
 - when partial extinguishes pro tanto, 5797.
 - by payment, 5798.
 - performance how applied in case of several obligations, 5799.
 - by offer of performance, 5800.
 - offer of partial performance, effect of, 5801.
 - offer of performance to be made by, or in behalf of debtor, 5802.
 - to creditor or one authorized by him, 5803.
 - where offer of performance may be made, 5804.
 - when made,
 - at time fixed, 5805.
 - when time not fixed, 5806.
 - when made after due, 5807.
 - offer of performance must be made in good faith, 5808.
 - free from condition, 5809.
 - person making offer must be able and willing to perform, 5810.
 - production unnecessary if offer of performance refused, 5811.
 - things offered in way of performance, not to be mingled with other things, 5812.
 - contingent offer of performance, 5813.
 - receipt to debtor obligatory, 5814.
 - obligation for payment extinguished by deposit, 5815.
 - objections to mode of offer of performance when waived, 5816.
 - when title to thing offered passes, 5817.

INDEX.

(References are to sections.)

OBLIGATIONS — (continued).

by offer and deposit and notice, 5819.

creditor gratuitous depositary of thing offered and refused, 5820.

§ 6. Performance.

when want of performance or offer is excused, 5821.

rights of debtors where performance is prevented by creditor, 5822.

ratable proportion of consideration where performance is prevented, 5823.

what equivalent to offer and refusal, 5824.

§ 7. Accord and satisfaction.

accord defined, 5825.

full execution of accord only extinguishes obligations, 5826.

acceptance by creditor is satisfaction, 5827.

when part performance extinguishes, 5828.

§ 8. Novation.

definition, 5829.

how made, 5830.

novation as contract, 5831.

rescinding acceptance, 5832.

§ 9. Release

effect of release to extinguish obligation, 5833.

release extends only to known claim, 5834.

release of one debtor not release of others, 5835.

OBLIGATIONS IMPOSED BY LAW.

to abstain from injuring other person or property, 5942.

damages for deceit, 5943.

deceit, defined, 5944.

when intent to defraud anyone misled presumed, 5945.

when thing obtained without consent must be restored, 5946.

— without demand; exceptions, 5947.

liability for wilful act of negligence, 5948.

other obligations prescribed by code, 5949.

OBSCENE EXHIBITIONS.

defined, 8941.

OBSCENE LANGUAGE.

punishment for, 9229.

— over telephone line, 9230.

prosecution for, time limited, 9249.

coverture no excuse for, 9213.

OBSCENE LITERATURE.

obscene exhibition of pictures, books, etc., 8941.

seizure and disposition of, 8942-8944.

sale of, to children, prohibited, 9652.

— punishment, 9653.

bringing obscene literature into state, 9654.

child defined, 9655.

sufficiency of indictment or information as to, 10702.

OCCUPANCY.

title acquired by, 5469.

method of acquiring by occupancy, 5469.

prescription, 5470.

period of occupancy for acquirement of title to real property, 5471.

See also Adverse Possession.

INDEX.

(References are to sections.)

OFFER.

of performance as extinguishment of obligation, see **Obligations.**

OFFICE.

forfeiture of, see **Forfeiture, § 3.**

§ 1. *In general.*

buying appointment to, prohibited, 9311.
selling appointment to, prohibited, 9312.
reward for appointment to, prohibited, 9313.
offer of, to influence vote, misdemeanor, 9253-9254.
forfeiture of, not affected, when, 10378.
acting in, without qualifying, 9300.
exercising after close of term, misdemeanor, 9316.
commencement of term of office of precinct officers, 677.
time for beginning of term of office of township officers, 677.

§ 2. *Term of office.*

of members of state board of education, 1424.
of members appointed to state library commission, 1532.
of member of board of teachers insurance and retirement fund, 1495.
of members of board of commissioners of insanity, 2547.
of trustees of penitentiary and reform school, 11192.
of trustees of state normal school, 1584.
of board of trustees of school for deaf and dumb, 1681.
of members of tax commission, 2081.
of commissioner of university and school lands, 2960.
of superior grain and warehouse commission, 3162, 3163.
of members of board of veterinary examiners, 2712.
of members of state live stock sanitary board, 2678.
of sheep inspectors, 2741.
of office of game and fish board of control, 10264.
of inspector of hotels, 2986.
of members of state board of pharmacy, 478.
of members of state board of examiners in optometry, 526.
of state board of embalmers, 540.
of county superintendent of highways, 1990a.
of directors of trust companies, 5208.
of officers of co-operative association, 4605.
of directors of county mutual insurance company, 4933.

§ 3. *Vacancy.*

grounds causing, enumerated, 683.
for failure of county, township and precinct officers to qualify, 679.
for failure to file additional bond, 674.
filled by appointment, 696, 697.
brief vacancies not to be filled, 698.
term of appointment to fill, 699.
appointments to fill vacancies to be in writing, 699.
appointees to fill vacancies, qualify in the same manner as original officer, 700.
in office of tax commissioners, how filled, 2082.
in office of commissioner of university and school lands, 296.
in board of trustees of agricultural training school, how filled, 1458.
in office of trustees of penitentiary and reform school, 11292.
in office of board of teachers insurance and retirement fund, how filled, 1497.
in election board, how filled, 951, 952.
in board of county commissioners, how filled, 697.
in office of director of corporation, how filled, 4541.

OFFICERS.

election officers, see **Elections, § 7; Elections, Primary, § 4.**
duties of, in making arrest, see **Criminal Procedure.**

INDEX.

(References are to sections.)

OFFICERS — (continued).

- reports required of, see Reports.
- bonds of, see Bonds, Official.
- § 1. *In general,*
 - state officers to keep record of fee and report amount thereof to state treasurer, 638.
 - time for covering fee into state treasury, 639.
 - provision for additional clerical assistance in state offices, 653.
 - supplies for state officers, 656.
 - duty to deliver all property pertaining to the office to successor, 682, 695.
 - duty to keep office and all records at place designated by law, 706.
 - penalty for failure to keep office and all records at place designated by law, 707.
 - of state institutions not to be pecuniarily interested in any contract connected with the institution, 1825, 1826, 1837.
 - duties of civil officers to inform the public administrator of all property which should be administered, 3446.
 - place of trial for actions against public, 7416.
 - entries of, as evidence, 7917, 7918.
 - confidential communications with, 7923.
 - resignation,
 - manner of making, to whom made, 684.
 - judicial notice of the official acts of, 7938.
 - contempt before, proceedings to punish, 8200.
- § 2. *Eligibility.*
 - in general, 19.
 - officers and members of municipal boards must be residents and citizens, 705.
 - members and officers of state boards to be residents and citizens, 705.
 - women qualified to hold certain school offices, 1153.
 - state officers not eligible to office of drain commissioner, 2492.
- § 3. *Duty of, to qualify.*
 - civil officers to qualify, 659.
 - oath of civil officers, 661.
 - vacancy for failure of county, township and precinct officer to qualify, 679.
 - time for qualifying of county, township and precinct officer, 678.
 - re-elected incumbent to account before qualifying, 681.
- § 4. *Removal.*
 - as punishment for crime, 9195, 10385.
 - as punishment for neglect of duty, 10334.
 - by governor, 685.
 - charges, how made and by whom prosecuted, 685, 686.
 - requisites of complaint, amendment, 687.
 - special commissioner to take testimony of charges, 688.
 - suspension during pendency of action to remove, 688.
 - notice of charges, 689.
 - time for taking testimony, 689.
 - appeal to district court, trial de novo, 690.
 - jury trial, 690.
 - fees of commissioners, witnesses, and stenographer, 691.
 - oath of special commissioner appointed to take testimony, 692.
 - subpoena for witnesses, 692.
 - costs on dismissal of charges, 693, 694.
 - by impeachment,
 - what officers liable to impeachment and for what, 10440.
 - commencement; trial; presiding officer, 10441.
 - proceedings, who originated; prosecution; articles of impeachment, 10440.
 - form of articles and specifications, 10443.
 - day for hearing; notice to accused, 10444.
 - service of notice, 10445.

INDEX.

(References are to sections.)

OFFICERS — (continued).

by impeachment — (continued).

- procedure after notice, 10446.
- impeachment suspends officer, 10447.
- organization of court; powers, 10448.
- counsel for accused, 10449.
- when accused may answer, 10450.
- objections to articles of impeachment; procedure, 10451.
- objections overruled; further proceedings, 10452.
- duty of secretary of state, 10453.
- subordinate officers of the court, 10454.
- process for witnesses, 10455.
- senate to make rules; subpoenas, 10456.
- privileges of court; imprisonment, 10457.
- vote on charge, 10458.
- judgment of conviction, how entered, 10459, 10460.
- extent of judgment, 10461.
- effect of judgment, 10462.
- impeachment of lieutenant-governor, 10463.
- impeachment not bar to prosecution on indictment, 10464.
- compensation of members, officers, counsel and witnesses, 10465, 10466.

by judicial proceedings,

- what proceedings allowable, 10467.
- causes for removal; accusation, 10468.
- form of accusation, 10469.
- duty of judge and state's attorney, 10470.
- defendant must appear, 10471.
- defendant's answer, 10472.
- objections for insufficiency, 10472.
- denial may be oral, 10473.
- objections overruled and answer, 10474.
- conviction on pleading on trial, 10475.
- trial by jury, 10477.
- judgment on conviction, 10478.
- process for witnesses, 10479.
- appeal from judgment of removal, 10480.
- proceedings to remove state's attorney, 10481.
- other accusations and proceedings thereon, 10482.
- proceedings, how commenced, 10626.

§ 5. Crimes of.

- crimes by or against executive power of state, see Crimes, § 7.
- omission of duty, punishment, 9432.
- violation of law by, misdemeanor, 9828.
- making false accounts as to state money, how punished, 9827.
- embezzlement by, 9827.
- becoming interested in public contract, misdemeanor, 9829.
- refusal to perform duty, guilty of misdemeanor, 9830.
- extortion under color of official right, misdemeanor, 9946.
- neglect of duty, punishment, 10334.
- buying public warrant, misdemeanor, when, 10186, 10189.
- speculation in office by officers, punishment for, 10186, 10189.
- issuing warrant, misdemeanor when, 9517.

OFFICIAL BALLOT.

- at primary election, see Elections, Primary, § 3.
- at general election, see Elections, § 9.

INDEX.

(References are to sections.)

OFFICIAL NEWSPAPER.

defined, 7306.
designation of official newspaper of city, 3598.

OFFICIAL PROCEEDINGS.

publishing report of, not libel, when, 9556, 9557.

OIL.

provisions governing inspection of, see Oil Inspector.
adulteration of,
 boiled linseed oil, test required, 2874.
 to be correctly labeled, 2875.
 penalty for violation of act, 2876.
 commissioners of agriculture and labor to enforce law, 2877.
 experts and chemists to be employed by commissioner of agriculture, 2878.

OIL INSPECTOR.

appointments of, 3057.
qualifications of, 3057.
removed from office, when, 3077.
appointment of deputies, 3057.
salary, 3057.
duties of state auditor, 3058.
duties of state treasurer, 3059.
payment of fees, 3060.
oath of office and bond of inspector and deputy, 3061.
oil companies to execute bond to guarantee payment of fees, 3062.
powers of inspector, 3057.
— ex officio coal inspector, 3085.
duties of inspector, 3063, 3064, 3069.
— to designate ports of entry, 3078.
— not to deal in petroleum products, 3072.
duty of seller of oil, 3065, 3066.
duty of oil producing companies, 3069.
reports of inspection, 3071.
state's attorney to prosecute violation of act, 3073.
brands,
 false brands; adulterations; penalty, 3074.
 containers of oils, how branded, 3068, 3075.
penalty for sale of low grade oil for illuminating purposes, 3076.
fees of inspector, 3070.
expenses of office, how paid, 3032.
act relative to, not construed to exempt illuminating oils, etc., from inspection and
 payment of fees, 3080.
appropriation, 3067.

OIL WELL.

lien for labor and material furnished, when law applies, 6843.

OLD SETTLERS' ASSOCIATION.

may use land of state historical society, 384.

OLEOMARGARINE.

See Dairy Products.

OLOGRAPHIC.

olographic will defined, 5748.
See Wills.

INDEX.

(References are to sections.)

ONIONS.

weight of bushel of, 3006.

OPEN ACCOUNT.

limitation of action for balance of, 7379.

OPEN SEASON.

for fish, what are, 10306.

for deer, 10298.

for mink and musk-rats, 10303.

all seasons open for certain birds, 10304.

for killing game birds, 10297.

none for harmless birds, 10304.

OPINIONS.

duty of attorney-general to give, 157.

attorney-general to keep a record of all official opinions, 157.

OPIUM.

any product containing, must be labeled, 2942.

place for smoking, deemed a nuisance, 10177.

keeping place for smoking, unlawful, 10178.

smoking, unlawful, 10178.

jurisdiction of justice of the peace, 10179.

beverage containing, intoxicating, 10105.

OPTIONS.

dealing in, prohibited, 9699.

OPTOMETRY, STATE BOARD OF.

optometry defined, 524.

— unlawful to practice without certificate, 525.

creation of board, 526.

oath of office of member of, 526.

seal, 526.

meetings of, 527.

quorum of, 527.

governor to appoint officers of, 527.

record of proceedings of, 527.

registry list of licensed optometrists, 527.

compensation from fees, 534.

surplus moneys to go to school fund, 534.

reports to governor, 534.

violation, penalties for, 537.

state's attorney, duties of, 538.

prosecution for violations of statutes relative to, 538.

justices to have jurisdiction of violations of act, 538.

exempt from requirements, who, 539.

examination and licenses,

who exempt from examination, 529, 530.

examination required of whom, 528.

application for examination, how made, 528.

prerequisites for examination, 528.

certificate of examination, to whom issued, 528.

fees for examination, 528.

waiver of right in certificate, 532.

fees for certificate, 531.

INDEX.

(References are to sections.)

OPTOMETRY, STATE BOARD OF — (continued).

- examination and licenses — (continued).
- failure to file certificate, penalty for, 532.
- certificate from, to be displayed in conspicuous place, 533.
- license fee, paid by whom, 535.
- revocation of license, 535.
- certificate revoked when, 536.

ORDER.

- defined, 7940.
- in special proceedings, defined, 8444.
- to describe papers on which made, 7944.
- when deemed excepted to, 7653.
- copies substituted, if lost or destroyed, 7968.
- extending time for pleading, 7483.
- for sale of perishable property, 7554.
- of sale of ward's property, 8967.
- vacation of order of judgment, 7354.
- written memorandum to be filed, when, 7945.
- in criminal actions to be entered on minutes, when, 10907.
- made without notice, how vacated or modified, 7946.
- to stay proceedings, for how long, 7943.
- for extension of time for taking proceedings, 7948.
- for continuance of case, when to be granted, 7949.
- what reviewable on appeal, 7841.
- power of supreme court as to, on appeal, 7844.
- injunction by, 7528.
- to show cause in injunction cases, 7533.
- in arrest and bail, 7490-7493.
- of reference to take testimony, when, 7943.
- for distribution of surplus after foreclosure by advertisement, 8091.
- directing punishment in contempt proceedings, 8189.

ORDINANCE.

See Cities, § 8; Villages, § 14; Commission Form of Government for Cities, § 11.

ORPHANS, HOME FOR.

- rules and regulations, 5100.
- powers of corporation, 5101.
- compensation, not to be received by child adopted from home, 5102.
- condition of society to be reported, 5103.
- procedure for taking child into, 5104.
- citations to be issued in certain cases, 5105.
- foreign society must give bond, 5107.
- bond to be approved by county commissioners, 5108.
- licenses for soliciting aid for orphans' home,
 - unlawful to solicit without license, 5106.
 - license, how obtained, 5106.
 - in exceptions, 5106.

ORPHAN SCHOOL.

introduction of intoxicating liquor into, prohibited, 10174.

OSTENSIBLE.

defined, 6371.

INDEX.

(References are to sections.)

OSTEOPATHY, STATE BOARD OF.

- creation of board; appointment, 516.
- qualifications of members, 516.
- officers,
 - meetings for examinations, 517.
 - expenses of board, 517.
 - quorum, 517.
 - report of licenses, 517.
- examinations,
 - how conducted, 518.
 - licenses, how granted and revoked, 518.
- license to be recorded, 519.
- present practitioner, 520.
- temporary permits to practice, 521.
- exemption from provisions of act, 522.
- penalty for practicing without a license, 522.

OTTER.

- protected, 10317.

OVERSEER OF HIGHWAYS.

- in townships, see Townships, § 12.
- generally, see Highways, § 8.

OVERSEERS OF THE POOR.

- See Poor.

OWLS.

- no closed season for, 10304.

OWNER.

- defined, 8501.
- as used in motor vehicle law, defined, 2976a.
- in mechanic's lien law defined, 6828.

OWNERSHIP.

- of property, see Property, §§ 3, 4, 7, 9.

PACKING HOUSE.

- sanitation of, see Food, § 2.
- as to regulations affecting the management and construction of, in cities, 3599 (63).
- in cities under commission form of government, 3818 (58).
- in villages, 3861 (17).

PAINT.

- label to show mineral constituents of, 2923.
- penalty for violation of paint law, 2923.
- possession of misbranded paint prima facie evidence of violation of act, 2924.
- duty of directors of experiment station to enforce act, 2925.
- legal requirements of, on paint, 2926.

PALMISTRY.

- power of the city to license, tax, regulate and prohibit persons practicing, 3599 (30).

PANAMA EXPOSITION COMMISSION.

- purpose of commission, 631a.
- members. appointment, 631b.
- compensation, 631c.

INDEX.

(References are to sections.)

PANAMA EXPOSITION COMMISSION — (continued).

organization, 631b.
secretary of, appointment, compensation, 631c.
report of disbursements, 631d.
report of proceedings, 631e.
appropriation, 631b.

PANEL.

See Jury; Grand Jury.

PAPER.

defined, 7293.
to be used in public printing, 48, 49.

PAPERS.

See Documents.

PARADES.

military parade by unauthorized body forbidden, 2433.

PARDONS.

governor to keep record of applications for pardons, 112.
board of,
attorney-general ex-officio member of, 157.
appointment and membership of, 11097.
governor may suspend execution for treason, 11098.
report of board to legislature, 11099.
unanimous vote required; quorum, 11099.
officer to make return of pardon, commutation or reprieve, 11101.
act of board regulating pardon or parole may be reconsidered, 11102.
meetings of board, where and when held, 11103.
application for pardon, how made, 11104.
duty of clerk of board, 11105.
record of proceedings, 11106.
powers of board, 11107.
appropriation for board; compensation of board, 11108.
restoration to citizenship, when, 11109.
governor may issue warrant, when, 11110.

PARENT AND CHILD.

See Infants; Adoption; Illegitimacy.

§ 1. *In general.*

abduction of either parent or child from other, forbidden, 4355.
seduction of daughter forbidden, 4355.
what force may be used in protection of, 4356.
parent as such has no control over property of child, 4427.
abuse of parental authority, court to take cognizance of, 4428.
when parent's authority ceases, 4429.
parent not liable to child for services after maturity, 4435.
relinquishment by parent of child's earnings, 4436.
child not liable to parent for support after maturity, 4436.
wages of child, to whom paid, 4437.
right of parent to change residence, 4438.
neither liable for act of the other, 4439.
consent of parent to apprenticeship of child, 4476.
abandonment of child, 9589-9595.

§ 2. *Custody and support.*

custody of child in divorce actions, 4404.

INDEX.

(References are to sections.)

PARENT AND CHILD — (continued).

- transfer of custody of, 4424.
- custody of, after annulment of marriage, 4371.
- custody of children where parents are living apart, 4440.
- person entitled to custody and earnings of child, 4424.
- both parents to support children, 4423.
- allowance to parent for support of minor child, when, 4426.
- parent not liable for child who has abandoned parents, 4433.
- parents liable for necessaries furnished to child, when, 4432-4433.
- husband not bound to maintain stepchildren, 4434.
- exception, 4434.
- right of guardian to use the property of a minor having a father living for the support and education of the minor, 8883.

PARIS GREEN.

- See also Insecticide.
- defined, 10218.
- adulteration of, prohibited, 2932.
- duty of manufacturers and dealers, 2933.
- legal strength of, 2934.
- regulation of sale of, 2934.
- duty of North Dakota agricultural experiment station, 2935.
- certificate of chemist as evidence, 2936.
- duty of state's attorney, 2937.
- what constitutes violation of the act, 2938.

PARK DISTRICTS.

- in cities, 4055-4063.
- in villages, 4063-4071.

PARKS.

- city parks, see Cities, § 25.
- village parks, see Villages, § 18.
- creation of state parks on islands in Missouri river, 2071.

PAROLE.

- provisions as to parole prisoners, 10943-10949.
- of inmates of the penitentiary, 11229-11234.
- of inmate of reform school, 11281-11294.

PART.

- or "parts" as used in game and fish law, defined, 10275.

PARTIES.

- to crimes, see Crimes, § 2.
- as to executors and administrators, see Executors and Administrators.
- to proceedings in county court, see Court, County, § 4.

§ 1. In general.

- to actions, how named, 7355.
- to appeals, how designated, 7819.
- actions to be prosecuted by real parties in interest, 7395.
- assignee of thing in action, 7396.
- executor or administrator as, 7397.
- married women as, 7398.
- guardian,
 - of infant, 7399.
 - of defendant of unsound mind, 7301.
 - appointment of guardian, 7300.
 - security of guardian, 7302.

INDEX.

(References are to sections.)

PARTIES — (continued).

- who to be plaintiffs, 7403.
 - defendants, who are, 7404.
 - who must be, 7404.
 - who may be, 7405.
 - joinder of, 7406.
 - of plaintiffs, in action to determine title to real property, 8446.
 - of defendants in action to determine conflicting claims against real property, 8146.
 - non-consenting parties to be made defendants, 7406.
 - when severally liable, 7407.
 - when third persons may be brought into action, 7413.
 - substitution of, by interpleader, 7414.
- § 2. *In particular actions.*
- plaintiff in action for death by wrongful act, 8323.
 - necessary in actions of partition, 8024.
 - in action to foreclose minor's lien, 6841.
 - proper plaintiffs in action to quiet title, 8146.
 - proper defendants in action to quiet title, 8148.
 - to action to recover possession or quiet title to real estate of decedents, 8797.
 - unknown persons made parties in action to quiet title, 8149.
 - in, by or against special partnerships, 6446.
 - in special proceedings, 8443.
 - parties who must be cited upon the presentation of a petition for the probate of a will, 8636, 8637.
 - to actions upon bonds and undertakings required by probate code, 8627.
 - in a suit or upon a guardian's bond, 8925.

PARTITION.

§ 1. *In general.*

- of dominant tenement, burden how apportioned, 5336.
- in proceedings to settle controversies in relation to township lands, 4233.
- guardian may consent to partition without action, 8067.
- place of trial of action for, 7415.
- power of the court to order partition in final decree of distribution of estate of decedent, 8849, 8851-8853.
- abstract of title, how costs paid, 8070.
- who may make abstract, 8071.
- costs, fees and disbursements, 8068, 8072.

§ 2. *Actions for.*

- when may be brought, 8024.
- what complaint must show, 8025.
- necessary parties, 8026.
- lis pendens* required, 8027.
- to whom summons directed, 8028.
- service by publication, 8029.
- requisites of answer, 8030.
- procedure for partition in the county court, 8854-8860.

§ 3. *Trial.*

- proof of title, 8031.
- when partial partition adjudged, 8032.
- referee to determine outstanding liens, 8033.
- appearance before referee, 8034.
- report of referee, 8034.
- sale of partition, 8035.
- method and rule of partition, 8036.
- referee's report, 8037.
- manner and division of property, 8038.
- effect of judgment on report, 8038.

INDEX.

(References are to sections.)

PARTITION — (continued).

single referee, when allowable, 8069.

§ 4. Judgment.

what tenants not affected by judgment, 8039.

payment of expenses, 8040.

liens follow owner's share, 8041.

certain estates set off, 8042.

proceeds of incumbered property, how applied, 8043.

— lienor having other security, 8044.

distribution by referee, 8045.

part of action continued, 8046.

§ 5. Sales.

sales, how made, 8047.

terms of sale to be fixed by court, 8048.

security for purchase money, 8049.

estate for life or years, compensation to, 8050.

— compensation when consent not given, 8051.

— when owner of estate is unknown, 8052.

value of future estates to be settled by court, 8053.

terms of sale to be made known at time, 8054.

terms of sale to be fixed by court, 8048.

how sale made, 8047.

who cannot purchase, 8055.

report of sale, 8056.

order to convey, 8057.

receipt of lienor when purchaser, 8058.

record and bar of conveyance, 8059.

investment of unknown owner's proceeds, 8060.

securities taken in name of clerk, 8060.

when in name of party, 8062.

duty of clerk of district court, 8063.

compensation for inequality, 8064.

§ 6. Payment of shares.

of infant, 8065.

of incompetent, 8066.

PARTITION FENCES.

See Fences, § 2.

PARTNERSHIP.

§ 1. Provisions relating to partnerships generally.

in general,

execution of instruments by, how acknowledged, 5591, 5592.

presentment for payment of negotiable instrument to partners, 6962.

notice of dishonor of negotiable instrument, how given to, 6984.

attachment of property of, 7558.

proceedings peculiar to insolvency of, 8440, 8442.

fraud in, misdemeanor when, 9726.

what constitutes partnership,

partnership defined, 5263, 6386.

ship owners not partners, 6387.

partnership formed only by consent, 6388.

partnership property,

partnership property defined, 6389.

extent of member's interest, 6390.

shares in profits and losses presumed equal, 6391.

losses divided same as profits, 6392.

lien on property for payment of debts, 6393.

INDEX.

(References are to sections.)

PARTNERSHIP — (continued).

partnership property — (continued).

what is presumed partnership property, 6394.

exemption from execution of property of, 7741.

partnership property on death of partner,

powers and duties of surviving partners as to the care and disposition of partnership property, 8711.

right of surviving partner to be appointed administrator of the estate of his deceased partner, 8659, 8682.

sale of partnership property by executors or administrators, how made, 8768.

partnership property of decedent to be included in the inventory, 8717.

mutual obligations of partners,

partners as trustees, 6395.

highest good faith required, 6396.

each principal must account to partnership, 6397.

partners not entitled to compensation for partnership work, 6398.

renunciation,

renunciation with notice exonerates, 6399.

profits cannot be claimed after renunciation, 6400.

§ 2. General partnership.

general partnership defined, 6401.

powers and authority of partners,

majority governs, 6402.

each partner a general agent, 6403.

limitation of authority of partners, 6404.

effect of bad faith, 6405.

mutual obligation of partners,

profits belong to firm, 6406.

partners cannot have adverse interests, 6407.

may engage in separate business, 6408.

must account for profits, 6409.

liability of partners,

liability to third persons, 6410.

liability in general, 6411.

ostensible partners, 6412.

partners in fact only liable, 6413.

termination,

duration, 6414.

causes dissolving, 6415.

partial dissolution, 6416.

judgment of dissolution, 6417.

liability until notice given, 6418.

when change of name is sufficient notice, 6419.

agreement on dissolution not to carry on similar business, valid, 5930.)

liquidation,

authority after dissolution, 6420.

who may act in liquidation, 6421.

who may not act, 6422.

authority of partner liquidating, 6423, 6424.

surviving partner's authority, 6425.

fictitious names,

use of fictitious names; service; publication, 6426.

use of fictitious name by foreign partnership, 6427.

certificate for use of fictitious name, how executed, 6428.

penalty, 6429.

new certificate when membership changes, 6430.

duty of clerk of district court, 6431.

INDEX.

(References are to sections.)

PARTNERSHIP — (continued).

fictitious names — (continued).

certified copies of certificate as evidence, 6432.

use of fictitious name of, misdemeanor, when, 9710.

§ 3. Special.

formation,

special partnership authorized, 6433.

how constituted, 6434.

how formed, 6435.

certificate, how executed and filed, 6436.

affidavits required of partners, 6437.

compliance necessary to formation, 6438.

publication required, 6439, 6440.

powers, rights and duties of partners,

special partnership, how renewed or continued, 6441.

style of special partnership, 6442.

general partners only, have authority to act, 6443.

rights of special partners, 6444.

right to deal with firm, 6445.

who joined in action against firm, 6446.

withdrawal of capital, 6447.

receipt of interest and profits by special partners, 6448.

when special partner becomes general, 6449.

when preferences are void, 6450.

liability of partners,

of general partners, 6451.

of special partners, 6452.

when special partner is liable as general, 6453.

estoppel when contracting with special partners as such, 6454.

alteration and dissolution,

when special becomes general partnership, 6455.

how new special partners admitted, 6456.

dissolution, notice filed and published, 6457.

PARTY WALL.

as easement, 5330.

power of cities to regulate, 3599 (45).

regulations in cities under commission form of government, 3818 (38).

PASSENGER.

See Carriers, § 6.

PASSES.

by common carriers, prohibited, 4799.

See also Carriers, § 6.

PASTURAGE.

right of, as easement, 5330, 5331.

PATENT.

as personal property subject to taxation, 2103.

patented article not to be called for in specifications for public buildings so as to prevent competition, 1836.

of school land, when to issue, 323.

of school land to be recorded; effect of, 324.

entitled to record, when, 5546.

action by state to annul, 7980.

INDEX.

(References are to sections.)

PATENT MEDICINE.

certain advertisements relative to, prohibited, 9656, 9657.
notes given for, how indorsed, 10251.

PATENT RIGHT.

note given for, how indorsed, 10251.

PAUPERS.

See Poor.

PAWNBROKERS.

license required, 9701.
refusing to exhibit stolen goods, 9702.
selling before default, 9703.
power of the city to license, tax, regulate and prohibit, 3599 (30).
licenses, taxes and regulations in cities under commission form of government, 3818 (23);
regulations, taxes and licenses in villages, 3861 (4).

PAYMENT.

defined, 5799.
how applied on several obligations, 5799.
order of resort for, where lien covers several things, 6716.
when partial, extinguishes obligation, 5828.
acceptance of principal as a waiver of claim to interest, 7144.
rules governing time of, 5917.
of decedents' debts, 8118-8126.
complaint dismissed on payment of installments due, 8109.
when payment stops proceedings, 8110.
effect of, on action to foreclose mortgage, 8109, 8110.
of amount of execution to sheriff by third person, 7727.

PAY-ROLL.

of state institutions, 275.

PEACE.

See Security to Keep the Peace; Public Peace.

PEACEABLE ASSEMBLY.

not prohibited by conspiracy law, 9443.

PEACE OFFICERS.

in cities, see Cities, § 17.
in cities under commission form of government, see Commission Form of Govern-
ment for Cities, § 7.
in villages, see Villages, § 15a.
in unorganized towns and villages, 3907-3913.
defined, 10364, 10539.
railroad employees to act as, 4810.
no fees allowed to railroad employees acting as, 4811.
railway conductors as peace officers, when, 10585.
railroad companies may appoint police, 10586.
powers of railway police, 10587.
procedure on arrest, 10588.
other peace officers not affected by article, 10589.
no fees for railway police, 4811, 10590.
railway companies liable for acts of, 10591.

INDEX.

(References are to sections.)

PEACE OFFICERS — (continued).

- duties of,
 - to arrest without warrant, when, 10057.
 - to attend public meetings, 10427.
 - as to enforcement of prohibition law, 10107.
 - as to prize fight, 9820, 9821.
 - to enforce snuff law, 10182.
 - as to false and misleading advertising, 9990.

PEAS.

- weight of bushel of, 3006.

PEDDLER.

- See *Hawkers and Peddlers*.

PENAL CODE.

- See Code, § 8.

PENAL INSTITUTIONS.

- under management of state board of control, 243.

PENALTIES.

§ 1. *In general.*

- limitation of action for, 7376, 7377.
- actions to recover, 8014-8023.
- place of trial for recovery of, 7416.
- imposed by contract for non-performance, void, 5914.
- right to specifically enforce, 7188.
- right to specifically enforce contract containing a penalty, 7196.

§ 2. *For violation of regulations as to corporations and associations in general.*

- for failure of public utilities companies to file statement, 2250.
- for violation of act relative to investment companies, 5233, 5234.
- for failure of foreign corporation to comply with requirements of law, 5241, 5242.
- for violation of provision limiting holding of religious and charitable association or corporation, 4504.
- for failure to file report of corporation, 4518.
- for violation of provisions relative to limitations of indebtedness of corporations, 4543.
- for violation of law forbidding industrial corporation loaning to stockholder, 4982.
- for violation of article relative to statements of mining corporations, 4992-4994.
- for refusal to submit statement of industrial corporation when requested by stockholder, 4986.

- for failure of fraternal associations to file charter and by-laws, 5028.

- for failure of building and loan associations to make report, 5135.

- for loan by co-operative association to stockholder, 4604.

§ 3. — as to insurance and insurance companies, associations, etc.

- for violation of provisions of hail insurance law, 4898.
- for foreign insurance companies engaging in hail insurance, 4895.
- for violation of provisions prohibiting consolidation of insurance companies, 4893.
- for diversion of funds of insurance companies to aid political parties, 4858.
- for discrimination by life insurance companies, 4856.
- for misrepresentation by life insurance companies, 4854.
- for failure of domestic insurance company to make investments according to provisions of law, 4845.
- to be imposed on accident and sickness companies, 4979.
- for violation of insurance law, 4928.
- for failure of insurance company to make annual statement, 4927.
- for false statements by insurance company, 4927.

INDEX.

(References are to sections.)

PENALTIES — (continued).

- for violation of provisions relative to taking chattel mortgage as life insurance premium, 4958.
- for violation of law requiring insurance agents to have licenses, 4960.
- for violation of law relative to fraternal beneficiary societies, 5090.
- for failure to comply with law relative to beneficiary associations, 5057.
- for refusal by beneficiary association to make statement, 5057.
- § 4. — *as to banking.*
 - for violation of state banking laws, 5153, 5167, 5171, 5173, 5174, 5176, 5177.
 - for false reports to state bank examiner, 4600.
- § 5. — *as to railroads and common carriers.*
 - for violation of law relative to transmission of messages, 6262a-6268.
 - for violation of rule requiring dustless sweeping of passenger cars, 4664.
 - violation by railroad company of hours of labor law, 4669.
 - for violation of act relative to size and construction of caboose cars, 4674.
 - for violation of full crew act, 4667.
 - for fraudulent use of transfer ticket, 4681.
 - for failure to procure license to sell tickets, 4676.
 - for failure to redeem tickets, when, 4679-4680.
 - for failure of railroad company to maintain crossings, 4688.
 - for failure to maintain headlights on locomotives, 4696, 4697.
 - for violation of act relative to railroad trains, 4703.
 - for violation by railroad of provisions as to stop-over rates, 4771.
 - for violation of provisions as to side tracks to warehouses and coal mines, 4768.
 - for discrimination by railroad company, 4756.
 - for extortion by railroad companies, 4753.
 - against individuals for violation of article relative to common carriers, 4737.
 - for false report concerning time of arrival of train, 4717.
 - for extortion or unjust discrimination in common carrier rates, 4711.
 - for violation of law relative to freight rates on coal, 4782.
 - for violation of provisions regulating running of trains, 4634-4636.
 - for failure of railroad or telephone company to file reports relative to location of property, 4821.
 - for violation of provisions relative to transportation of live stock, 4802.
 - for unlawful riding on cars, 4809.
 - for violation of provisions relative to free passes, 4800.
 - for failure of railroad company to run trains daily, 4789.
 - for violation of provisions fixing maximum transportation rate, 4796, 4798.
 - for violation by railroad of provisions relative to transportation rates, 4796, 4798.
 - for failure of railroad company to maintain telephone connections, 4785.
 - for failure of railroad company to remove cars loaded with grain, 4787.
 - of railroad companies for failure to obey order relative to construction of transfer facilities, 4780.
 - of railroad company to comply with provisions relative to platform scales, 4776.
 - for failure of common carrier to file schedule, 4727.
 - for violation of article requiring railroad wrecks to be reported, 4651.
 - for failure to stop trains at county seats, 4653.
 - for failure to file map of right of way, 4685.
 - for failure of railroad company to maintain lamps on depot platform, 4659.
 - for failure of railroad company to maintain station house, 4657.
- § 6. — *as to sanitary regulations.*
 - as to animals, see *infra*, § 9.
 - of city boards of health, 414.
 - for violation of law regulating sanitation of food producing establishments, 2971.
 - for violation of public drinking cup law, 2954.
 - for failure to comply with hotel sanitary act, 2985.
 - for violation of act relative to sanitation of barber shops, 2956.
 - for violation of law requiring second-hand goods to be disinfected, 2961.

INDEX.

(References are to sections.)

PENALTIES — (continued).

- for violation of law requiring disinfection of public vehicles, 2959.
- for violation of article regulating the sanitation of railroad stations, 4663.
- for violation of rules and regulations of board of health in townships and villages, 4176.
- for refusal to obey order of township or village board of health for removal of nuisances, 4178.
- § 7. — *as to adulteration of articles of merchandise.*
 - for selling impure, adulterated or skimmed milk, 2851.
 - for false reading of milk and cream tests, 2854.
 - for violation of law in respect to adulteration of oils, 2876.
 - for violation of pure food law, 2881.
 - for violation of fertilizer law, 2894.
 - for violation of pure seed law, 2902.
 - for violation of paint law, 2923.
 - for violation of pure drug law, 2946.
 - for violation of oil inspection law, 3074-3076.
 - for sale of oil below standard, 3060-3065.
- § 8. — *as to warehouses and cold storage.*
 - for failure to post warehouse license, 3108.
 - for interfering with examiner of warehouses, 3133.
 - for violation of law by warehousemen, 3106.
 - for violation of article on warehouses, 3117.
 - for violation of public storage law, 3144.
 - for violation of public storage article, 3146, 3147.
 - for violation of provisions of cold storage act, 3160.
- § 9. — *as to animals.*
 - for violation of law regulating admission of animals into state, 2762i.
 - for issuance of live stock health certificate without authority, 2760a, 2760b.
 - for violation of law regulating issuance of health certificate for pure bred cattle, 2762.
 - for violation of law relative to state live stock sanitary board, 2697.
 - for failure of sheep owner to afford facilities for inspection of sheep, 2751.
 - for failure to dip diseased sheep, 2745.
 - for having glandered animals in possession, 2721.
 - for disobeying warrant as to glandered animals, 2724.
 - for violation of Texas cattle law, 2673.
 - for violation of article on herding and driving, 2612.
 - for wrongful driving of stock, 2614.
 - for violation of estray law, 2667.
 - for violation of stallion law, 2776.
 - for forging order on wolf bounty fund, 2656.
 - for shipping cattle without permit, 2760.
- § 10. — *as to weights and measures.*
 - for false weights and measures, 3003.
 - for violation of act relative to weight, measure or count of food products, 3013.
 - for misleading inspector of weights and measures, 3005.
- § 11. — *as to elections.*
 - for participation in more than one caucus, 901.
 - for false statements by non-registered voter, 1097.
 - for defacing register of electors, 1091.
 - for failure of witness to attend election contest, 1079.
 - for violation of election laws, 1043.
 - for violation of section prohibiting electioneering, 1042.
 - for rejecting legal vote, 1040.
 - of inspector or judge of election for depositing unstamped ballot, 1039.
 - for failure of election officer to obey subpoena of canvassing board, 1031.
 - of election law, 944.
 - for violation of statute relative to absent voters, 1004.
 - for failure of officer to perform duty in respect to elections, 1041.

INDEX.

(References are to sections.)

PENALTIES — (continued).

§ 12. — *as to taxes.*

- neglect of duties imposed by article on taxation, 2220.
- for negligence or refusal of treasurer or sheriff to collect taxes, 2178.
- for failure of sheriff to file receipts for delinquent taxes, 2168.

§ 13. — *as to public schools.*

- for violation of school building law, 1494.
- failure of school directors to provide proper water closets, 1403.
- of school official for receiving commissions on sale of school supplies, 1529.
- for violation of provisions of school fund act, 1488.
- for deposit by city or school district treasurer elsewhere than in regular depository, 1491.
- for failure to report and transmit fund belonging to teachers' insurance and retirement fund, 1514.
- for failure to attend teacher's institute and training school, 1385.

§ 14. — *as to surveys and section corners.*

- in reference to surveys and plats of towns and cities, 3951.
- for destroying or removing section corner monuments, 4290, 4245.

§ 15. — *as to building regulations.*

- for violation of law relative to door-ways of public buildings, 2997.
- for failure to maintain fire escapes in hotels, etc., 2978.

§ 16. — *as to highways and bridges.*

- for violation of law of the road, 2052.
- for refusal to serve as road supervisor, 1976.
- for failure of road overseer to render account, 2034.
- of overseer of highway for failure to make report of unpaid taxes, 2029.
- for neglect of duty by county superintendent of highways, 1990g.
- for obstructing highway, 1974.
- for destruction or removal of guide boards on highway, 1997.
- for injury to road belonging to wagon road corporation, 4830.
- for passing around toll-gate, 4829.
- for running toll-gate, 2061.
- for unlawfully passing toll bridge, 5002.
- for driving across bridge faster than a walk, 2057-2059.
- for charge of excessive tolls by bridge company, 4999.
- for bridge company in charging tolls when bridge in bad condition, 5000.
- for failure of bridge company to publish annual report, 5004.

§ 17. — *as to motor vehicles.*

- for violation of law governing automobiles, 2976.
- for molesting driver of motor vehicle, 2976m.
- for using motor vehicle without permit, 2976m.

§ 18. — *as to prairie fires.*

- for carelessly setting fire to prairies, 2808.
- for causing prairie fires in certain months, 2791.
- for violation of law as to setting fire to prairie, 2796, 2797.

§ 19. — *as to noxious weeds.*

- for violation of article for prevention of spread of noxious weeds, 2823.
- for depositing noxious weeds in highway or along banks of water courses, 2818.
- for failure of highway officers to destroy noxious weeds, 2820.

§ 20. *Miscellaneous.*

- for misdemeanor, 8255.
- for alteration of records, 3339.
- for profanity, how collected, 9228.
- for usury, 6076.
- for illegal use of word "savings," 5202.
- for unfair competition, 3046.
- for commercial discrimination, 3049.
- for violation of purchase of grain act, 3015.
- for violation of act relating to commission merchants, 3027.

INDEX.

(References are to sections.)

PENALTIES — (continued).

- for violation of fire sale merchant law, 3039, 3040.
- for hawking or peddling without license, 3034, 3035.
- for doing business under fictitious name without filing certificate, 6430.
- for violation of state embalming law, 546.
- for practicing osteopathy without a license, 523.
- for violation or failure to comply with law relative to vital statistics, 455.
- for false certificate of hotel inspector, 2986.
- for interfering with inspector of hotel, 2990.
- for violation of act relative to public printing, 3175.
- for delay in public printing, 58.
- for violation of law relative to abstractors of title, 3095.
- for violation of provision of article regulating marriage, 4378.
- for violation of article relative to prevention of infant blindness, 3172.
- for sending pauper out of county, 2543.
- for bringing pauper into county, 2544.
- for failure of county to pay taxes for support of insane person, 2573.
- for neglect of duty in respect to insane law, 2566.
- for neglect to bury dead body which had been dissected, 2811.
- for violation of provisions relative to foreign agents, 4964.
- for failure to declare dividends, 4543.
- for conversion of military property, 2431.
- for unlawful wearing of military uniform and devices, 2431.
- for violation of statute prohibiting child labor, 1413.
- for destruction or mutilation of notary public's records, 838.
- for filing unlawful mechanic's lien, 6817.
- for failure to execute satisfaction of mechanic's lien, 6829.
- for failure of mortgagee to discharge satisfied mortgage, 6749.
- for inspector of oils to deal in petroleum products, 3072.
- for violation of law regulating coal mines, 3084.
- for violation of article relative to nurseries, 2832.
- penalty for violation of pharmacy laws, 500.
- for violation of city ordinance, to whom paid, 3759.
- as to penalties for violation of ordinances of villages, 3861 (18).
- amount of penalty that may be imposed by township for violation of rules and regulations, 4088.
- as to the amount of penalty and fines that may be imposed under city ordinances in cities under commission form of government, 3818 (73).
- for obstructing dairy commissioner, 2842.
- for obstructing or misleading state examiner in the execution of his duties, 231.
- for practicing profession of barber without certificate of registration, 572.
- for failure of an executor or administrator to give notice to creditors for the presentation of claims against the estate, 8751.
- for neglect or refusal of administrator or executor to file account after being cited to do so, 8828.
- for having or obtaining the property of a decedent without authority from the executor or administrator, 8708.
- for obstructing fire marshal in abatement of dangerous conditions, 206.
- failure of teacher to attend teachers' institute and training school, 1385.

PENITENTIARY.

§ 1. In general.

- penitentiary at Bismarck,
 - continuation and use, 11181.
 - within jurisdiction of Burleigh county, 11182.
 - service of process within, who may make, 11183.
 - is general prison of the state, 11301.
- care and custody of funds belonging to inmate, 1809.

INDEX.

(References are to sections.)

PENITENTIARY — (continued).

- communicating with inmates prohibited, 9438.
- introduction of intoxicating liquor into, prohibited, 10124.
- imprisonment in, is at hard labor, 10967.
- sentence to, expires in what months, 10346.
- accounting officer, 1807, 1811, 1816.
- § 2. *Governing board.*
 - membership and appointment of, 11191.
 - terms of office and vacancies in office of trustees, 11192.
 - qualification of trustees, 11193.
 - sessions of board of trustees; compensation, 11194.
 - president of board, 11195.
 - visiting trustee, duties, 11195.
 - duties of board; inspection of buildings, examination of inmates, 11196.
 - report, contents of, general and special, 11197.
 - records to be open to inspection, 11198.
 - officers must not be interested in contract, 11199.
 - inventory of personal property, 11200.
 - contracts, how executed, 11201.
 - how property kept, 11201.
 - supplies, how contracted for, 11202.
 - proposals for contracts to be in writing; powers of board as to proposals, 11203.
- § 3. *Officers of.*
 - officers enumerated, 11204.
 - warden and deputy to reside in, 11204.
 - appointment of officers; term of office, 11205.
 - qualification of warden and other officers, 11206.
 - salary of warden and other officers, 11207.
 - warden,
 - powers and duties of, in general, 11208.
 - warden to make rules and regulations, 11209.
 - deputy warden, bond and duties, 11210.
 - employment of chaplain and compensation, 11211.
 - duties of employees; certain acts prohibited, 11212.
- § 4. *Commitment of persons to,*
 - conveyance of persons to, 11213.
 - duty of warden upon delivery of prisoner, 11213.
 - inmate of penitentiary in custody of warden, 11214.
 - fees of officers for conveying prisoners to penitentiary, 3515.
- § 5. *Diminution of sentence for good conduct.*
 - power of trustees as to diminution of sentence, 11215.
 - warden to keep record of prisoners, 11216.
 - reward for good behaviour, 11217.
 - punishment for infraction of rules may be alleviated, how, 11218.
- § 6. *Parole of inmates.*
 - board of trustees may parole, 11229.
 - when inmate may be paroled, 11230.
 - requirements precedent to parole, 11231.
 - grounds for recommending parole, 11232.
 - breach of parole; order of recommitment, 11233.
 - execution of order; fees, 11234.
- § 7. *Treatment of inmates.*
 - employment and discipline of inmates, 11219.
 - spirituous liquors prohibited, 11220.
 - furnished on physician's orders, 11221.
 - food of inmates, 11221.
 - beds and clothing of inmates, 11222.

INDEX.

(References are to sections.)

PENITENTIARY — (continued).

- warden to maintain discipline, 11223.
- refractory inmates may be restrained, 11224.
- inmates to be treated kindly, 11225.
- corporal punishment prohibited, 11225.
- inmates may be employed outside of, when, 11227.
- escape of inmate, 11227.
- § 8. *Twine and cordage plant.*
 - establishment authorized, 11235.
 - buildings, how constructed, 11236.
 - purchase of stock and supplies, 11237.
 - appropriation, 11238.
 - auditor authorized to draw warrants, 11239.
 - products of plant, how disposed of, 11240.
 - duty of accounting officer, 11241.
 - funds for plant, how provided for, 11242.
 - bonds,
 - issue of, by twine plant, 11243.
 - sale of; proceeds how applied, 11244.
 - what security for, 11245.
 - fiscal year and sinking fund, 11246.
 - interest of bonds, how paid, 11247.
 - state preferred creditor in sale of binding twine, 11248.
 - advancement of cash by state auditor, regulation, 11249-11251.
 - length of work day, 11252.
 - compensation to inmates, 11254.
 - rules and regulations, 11255.
- § 9. *Revolving fund.*
 - creation of fund authorized, 11256.
 - additions to fund, 11257.
 - disposition to be made of fund, 11258.
 - custody of fund, 11259.
 - provisions for expenses of warden, 11260.
- § 10. *Employment and compensation of prisoners.*
 - employment of convicts authorized, 11261.
 - employment on public roads and at state institutions and by counties, 11262.
 - tools and equipments, 11263.
 - compensation, 11264.
 - disposition of moneys earned, 11265.
 - merit system, 11266.
 - extra "good time," 11267.
 - finer for misconduct of prisoners, 11268.
 - appropriation, 11269.
- § 11. *Employment of inmates on public buildings and roads.*
 - employment of inmates authorized, 11270.
 - trustees may purchase tools and machinery, 11271.
 - may be employed in improving roads and streets, 11272.
 - sale of products regulated, 11273.
 - labor of convicts not to be farmed out, 11274.
 - wardens to furnish convict labor to be used upon the constructing highways under supervision the good roads experiment, 1882.
 - warden to furnish convict labor to good roads experiment station for work upon highway, 1884.
- § 12. *Escapes.*
 - escapes generally; rewards, 11228.
 - escape of inmate while employed outside, 11227.
 - attempt to escape from, felony, 9352.

INDEX.

(References are to sections.)

PENITENTIARY — (continued).

- escape from, jurisdiction of, 10514.
- how punished, 9351, 11341-11343.
- expenses for prosecution for escape from, how paid, 9362.
- § 13. *Discharge of inmates.*
 - money, clothing and employment to be furnished, regulation, 11226.
- § 14. *Insane inmates.*
 - transfer to state hospital for insane; procedure, 11296, 11297.
- § 15. *Death of inmates.*
 - inquests to be held, 11298.
 - to be open to all persons, 11299.
 - who may be required to testify, 11300.
 - return of inquest; burial of body, 11301.
 - expenses of inquest, how paid, 11302.
 - effects of deceased; sale of and disposition of proceeds, 11303.

PENNY CRESS.

- as noxious weed, 2900.

PENSIONS.

- for firemen, 3999-4006.
- for militia, 2423, 2425.
- duty of adjutant general as to, 2360a.

PEPPER GRASS.

- as noxious weed, 2900.

PEREMPTORY.

- writ of prohibition, 8472.
- writ of mandamus, 8459, 8460.

PERILS OF THE SEA.

- defined, 6257.

PERISHABLE PROPERTY.

- sale of, under execution, 7744.
- appeals do not stay sale, 7838.
- inventory of, to be made in attachment, 7546.
- sale of, pending attachment, 7554.
- right of executor and administrator to sell perishable property, 8766.
- sale of, in insolvency proceedings, 8399.

PERJURY.

- acts constituting, 9366.
- oath defined; includes affirmation, 9367.
- oath of office, how far excepted, 9368.
- irregularities of, no defense, 9369.
- incompetency of testimony no defense, 9370.
- knowledge of materiality, not necessary, 9371.
- when deposition complete, 9372.
- unqualified statement of something not known to be true, perjury, 9373.
- false lists of taxable property under oath is perjury, 9374.
- perjury, how punished, 9375.
- summary committal of witness for, 9376.
- witness to perjury bound over to appear, 9377.
- papers and documents to be retained, 9378.
- sufficiency of indictment or information for, 10700.
- what is evidence in, 10355.

INDEX.

(References are to sections.)

PERJURY — (continued).

- conviction of, as disqualification of witness, 9381.
- grand juror not exempt from prosecution for, 10669.
- false oath on enlistment papers as, 2385.
- false statement to state examiner, 230.
- false statements made to procure marriage license as, 4375.
- false affidavits for wolf bounties, 2666.
- subornation,
 - subornation defined, 9379.
 - punishment of subornation, 9380.
 - conviction of subornation as disqualification of witness, 9381.

PERPETUATION OF TESTIMONY.

- proceedings for, see Deposition, § 5.

PERPETUITIES.

- provisions prohibiting, 5289, 5313-5315.

PERSON.

- defined, 2074, 7075, 7294, 10371, 10372.
- as used in game and fish law, defined, 10275.
- adults and minors defined, 4335, 4336.
- citizens defined, 13.
- people defined, 12.
- in code of criminal procedure includes corporation, 11174.
- general power of state over, 7.
- entitled to protection of state, 13.
- rights of, generally, 4350.
- force permitted in protection of self, 4356.
- who liable for crime, 9206, 9207.

PERSONAL PROPERTY.

- See Property, Personal.

PERSONAL RELATION.

- offenses against, enumerated, 4355.
- necessary force may be used to protect, 4355.

PERSONAL SERVICE.

- specific performance of contract as to personal service, 7197.

PERSONS OF UNSOUND MIND.

- See Incompetent Persons.

PETITION.

- as to petition in primary election, see Primary Election.
- for adoption, 4447.

PETIT JURORS.

- See Jury; Jurors.

PETIT LARCENY.

- See Larceny.

PETROLEUM.

- power of cities to regulate and prevent the storage of, 3599 (50).
- power of cities under commission form of government to regulate and prevent storage of, 3818 (45).

INDEX.

(References are to sections.)

PEW.

exemption of, from execution, 7730.

PHARMACIST.

license of, to sell liquor, see Intoxicating Liquors, § 3.
to be licensed, 475.
registered pharmacists' assistants, 476.
change of residence, duty to notify board, 496.
exempt from jury duty, 814.
to lose license for violation of law regulating sale of cocaine, 2042.
certificate of registration canceled, when, 481.
former certificate, when in force, 482.
restriction as to registration, 483.
qualifications for registration as, 486.
issuance of certificate to, 490.
renewal fees for certificate, 495.
duty to file and preserve physician's prescriptions, 497.
who exempt from registration, 499.
issuance of temporary certificate to, 501.
regulations for selling poison, 9737.
— physician's prescription excepted, 9738.
to keep record of poisons sold, 9739.
keeping record of drugs and poisons sold, 9759, 9761.
penalty,
negligently endangering life, misdemeanor, 9758.
violation of law as to sale of poisons, 9740.
acting as, without license, penalty, 9735, 9736.
false registration, penalty for, 498.
penalty for violation of pharmacy law, 500.

PHARMACY, STATE BOARD OF.

organization of, 474.
membership of,
 appointment by governor, 477.
 qualification of, 477.
 term of office of, 477.
 vacancy in, 478.
organization of, 479.
bond of, 479.
meeting of, 479.
compensation of, 493.
not to teach pharmacy except, 492.
quorum of, 480.
powers of, 480.
certificate of registration, canceled, when, 481.
examination, how conducted, 483-485.
qualification for registration as pharmacist, 486.
examination for assistants, 487.
fees for application for registration, 488.
prerequisites for examination, 489.
duty to issue license to applicant, 490.
duty of secretary to keep register, 491.
annual report of, 494.
renewal fees of registered pharmacist, 495.
temporary certificate, how issued, 501.
penalty for violation of pharmacy act, 505.
cost in prosecution, to whom paid, 506.

INDEX.

(References are to sections.)

PHYSICAL EDUCATION.

to be taught in all educational institutions receiving money from the state, 1390.

PHYSICIAN.

§ 1. *In general.*

definition of, 462.

not to practice without license, 461.

— exemptions and exceptions, 463.

to be registered, 449.

fraudulent impersonation of, 470.

penalty for, 470.

prescription to be filed and preserved, 497.

to be appointed for poor asylum, 2531.

to be member of board of commissioners of insanity, 2547.

reports on vital statistics to be kept where, 434.

penalty for failure to comply with law relative to vital statistics, 455.

intoxication of, causing death, 9496.

administering poison while intoxicated, 9705.

§ 2. *Privileges and exemptions.*

confidential relations, with, 7923.

exempt from jury duty, 814.

exempt from registration as pharmacist, 499.

filling of prescriptions not within pure drug law, 2945.

prescription of, excepted from pharmacist law, 9738.

to have use of dead bodies for dissecting purposes, when, 2800.

§ 3. *Duties of.*

to report contagious diseases, 421.

— in case of death, 422.

to investigate in cases of alleged insanity, 2552.

when child is born blind, 3168-3170.

as to contagious diseases in cities under commission form of government, 3825.

preparation of medical certificate of death, 441.

§ 4. *Fees.*

for issuing certificate as to help applicant for marriage license, 4373.

for examining insane person, 2505.

property exempt from execution for fees of, 7739.

PHYSICIAN, COUNTY.

duties of, in respect to rendering assistance to poor people, 2502.

PIERS.

right to take property by eminent domain for, 8203.

interfering with, misdemeanor, 10070.

PIG WEED.

as noxious weed, 2900.

PILES.

removing or injuring, how punished, 10072.

interfering with, misdemeanor, 10070.

PILOT.

liability of master for negligence of, 6383.

when navigation of vessel depends on, 6152.

failure to procure license, misdemeanor, 9755, 9756.

PINK COCKLE.

as noxious weed, 2900.

INDEX.

(References are to sections.)

PIPES.

breaking water or gas'pipes, punishment for, 10082.

PITCH.

power of cities to regulate and prevent the storage of, 3599 (50).

PLACE OF TRIAL.

See Trial, § 5.

PLANTAIN.

as noxious weed, 2900.

PLAINTIFF.

defined, 7355.

who are, 7403.

See also Parties.

PLATFORMS.

for loading cars, provisions relative to, 4772-4774.

PLATS.

city plats. See Cities, § 5.

village plats. See Villages, § 5.

town plats. See Towns, § 6.

to be made of irregular lands when, 2214.

PLAYGROUND.

public playground in cities, 4016-4018.

PLEADINGS.

in special proceedings in county court, see Courts, County, § 7.

in justice's court, see Justice of the Peace.

in criminal actions, see Criminal Procedure, § 9.

§ 1. *In general.*

when summons and complaint to be filed, 7958.

informalities in, not fatal when, 11088.

in proceedings after judgment, 7854.

judgment on frivolous, 7601.

form of, in prohibition cases, 10128.

in actions by or against corporations, 7981.

discharge in insolvency proceedings, how pleaded, 8432.

§ 2. *General rules for.*

conditions precedent, how pleaded, 7461.

private statute, how pleaded, 7462.

libel or slander,

how pleaded, 7463.

defendant's answer, 7464.

answer of possession, how made, 7465.

when action may be joined, 7466.

material allegations in pleading when deemed true or denied, 7467.

form of pleading abolished, 7439.

subscription and verification of pleadings, 7455.

requisites of verification, 7456.

statement of account, 7457.

pleadings to be liberally construed, 7458.

pleadings may be made more definite, when, 7459.

judgment, how pleaded, 7460.

INDEX.

(References are to sections.)

PLEADINGS — (continued).

§ 3. *Complaint.*

- former modes of pleading abolished, 7439.
- complaint, what to contain, 7440.
- time of service after service of summons, 7423.
- service of unnecessary if no personal claim made, 7424.
- need not be served with summons, 7423.
- plaintiff's recovery limited by demand of, 7680.
- requisites of, in actions to determine conflicting claims to real property, 8145-8147.
- in mortgage foreclosure, 8103.
- requisites of, in condemnation proceedings, 8220.
- in action in partition, 8025.
- in action for forfeited goods, 8017.
- as to counterfeiting trade-mark, etc., 9721.
- in quo warranto proceedings, 7973.
- in proceedings for driving over bridge faster than a walk, 2058.
- when overseer to make, for failure of person to pay road tax, 2022.

§ 4. *Answer.*

- time of service of, 7441.
- in proceedings after judgment, 7853.
- judgment on, when to be given, 7453.
- defense of limitation of actions to be made by answer, 7358.
- in action to quiet title, 8151.
- in partition, 8030.
- to writ of mandamus, 8461.
- to notice of contest of election, 1047.
- to notice of contest in legislative election, 1071.

§ 5. *Reply.*

- when to be made, 7452.
- demurrer to answer, 7452.
- in action to quiet title, 8152.
- in proceedings after judgment, 7854.

§ 6. *Demurrer.*

- when to be served, 7441.
- when defendant may demur, 7442.
- requisites of demurrer, 7443.
- demurrer after amended complaint, 7445.
- when demurrable objections may be taken by answer, 7446.
- when objections waived, 7447.
- requisites of, 7448.
- requisite a counterclaim, 7449.
- demurrable objections may be taken by answer, when, 7446.
- defendant may answer part and demur to part, 7450.
- sham defense to be stricken out, 7451.
- to answer, 7452.
- demurrer to reply, 7454.
- in proceedings after judgment, 7854.

§ 7. *Mistakes and amendments.*

- variance when deemed material and misleading, 7478.
- when not material, 7479.
- failure to prove variance, 7480.
- amendments, when and how made, 7481.
- court may amend, terms, 7482.
- pleading after time, when permitted, 7483.
- where defendant's name is unknown, amendment, 7484.
- trivial errors disregarded, 7485.
- supplemental pleading when allowed, 7486.
- amendments to pleadings in the county court, 8591, 8592.

INDEX.

(References are to sections.)

PLEA OF GUILTY.

court to hear evidence as to degree of crime, 10936, 10937.

PLEDGE.

§ 1. *In general.*

what contracts deemed pledge, 6771.
lien dependent on possession, 6772.
includes increase, 6773.
lien made by pledge, 6774.
by one allowed to assume apparent ownership, 6775.
to secure another's obligation, 6776.
deposit with pledge holder, 6777.
withdrawal of property pledged to another, 6778.
exoneration of pledge holder, 6779.
when pledge holder must enforce pledgee's rights, 6780.
liability of pledges to pledge holder, 6781.
liability of gratuitous pledge holder, 6782.
pledgee's rights on fraudulent misrepresentations of value, 6783.
factor cannot pledge principal's property, 6370.
pledged property subject to execution, 7721.
pledged property may be levied on in attachment, 7548.
contracts of, subject to chapter on liens, 6703.
collection of evidence of debt by pledgee, 6790.

§ 2. *Sale of property pledged.*

when performance due, 6784.
demand of performance necessary, 6785.
notice to pledgeor of sale, 6786.
waiver of notice, 6787.
waiver of demand of performance, 6788.
sale by public auction, 6789.
evidence of debt, collection of, 6790.
when pledgeor may require sale, 6791.
application of proceeds, 6792, 6793.
when pledgee cannot purchase, 6794.
foreclosure, 6795.

PLUMBERS.

power of cities to license, tax, and regulate plumbers and the business of plumbing, 3599 (34).
— cities under commission form of government, 3818 (27).

PLURAL.

words used in plural includes singular, when, 7308, 10373.

POLES.

See Telegraph Companies, § 2; Telephone Companies, § 3.
power of the city to regulate and prevent the erection of sign posts, telegraph and telephone poles, 3599 (17).
— cities under commission form of government, 3818 (11).
— of villages, 3861 (11).

POISON.

record of sales of, to be kept, 502, 9739, 9750, 9761.
packages containing same to be labelled, 503.
provisions regulating sales of, 9737.
— physicians' prescriptions excepted, 9738.
punishment for violation of pharmacist law, 9739.
administered by physician while intoxicated, 9705.

INDEX.

(References are to sections.)

POISON — (continued).

- wilfully mixing, with food or drink, how punished, 9706.
- administered with intent to kill, 9518.
- poisoning domestic animals, punishment, 10052.
- laying out, misdemeanor, 9762.

POLICE.

- as to railroad police, see Peace Officers.
- in cities, see Cities, § 17.
- in cities under commission form of government, see Commission Form of Government for Cities, § 7.
- in villages, see Villages, § 15a.
- in unorganized towns and villages, 3907-3913.
- duties,
 - to arrest without warrant, when, 10057.
 - to attend public meetings, 10427.
 - as to enforcement of prohibition law, 10107.
 - as to prize fights, 9820, 9821.
 - to enforce snuff law, 10182.
 - as to false and misleading advertising, 9990.

POLICE JUDGE.

- See Cities, § 18.

POLICE MAGISTRATE.

- See Cities, § 18.

POLITICAL ANNOUNCEMENT.

- regulation of printing of, 938.

POLITICAL CODE.

- See Codes, § 2.

POLITICAL COMMITTEES.

- See Elections, Primary, § 8.

POLITICAL CONTRIBUTION.

- by state board of control or employees forbidden, 268.
- by insurance companies prohibited, 4858.
- not to be made by corporations, 9295-9299.

POLITICAL INFLUENCE.

- members of state board of control not to exercise, 268.

POLL CLERK.

- See Elections, § 7.

POLL TAX.

- for highways, see Highway, § 11.
- for school purposes, 1224.
- volunteer firemen exempt from payment of, 1842.

POOL ROOMS.

- screens not allowed in, 9690.
- minor not allowed in certain pool rooms, 9689.
- licenses, regulations and tax in villages, 3861 (6).
- in cities, 3599 (33).
- in cities under commission form of government, 3818 (26).

POOLS AND TRUSTS.

- defined, 9951.
- punishment for violation of law relative to pools and trusts, 9952.

INDEX.

(References are to sections.)

POOLS AND TRUSTS — (continued).

punishment of corporate officer violating anti pool law, 9953.
foreign or domestic corporation violating law prohibited from doing business, 9954.
sufficiency of information for indictment, 9955.
what necessary to prove in prosecution, 9956.
contracts in violation void, 9957.
purchaser from member of pool or trust not liable for purchase price, 9958.
manner of taking testimony in proceedings against pool or trust, 9959.
failure to testify in proceedings, punishment, 9960.
injunction against defendant, when issued, 9961.
judgment, form of, 9962.
attorney fees in proceedings against, 9963.
freight pools prohibited, 4720.

POOR.

§ 1. *Paupers generally.*

state's right to custody of, 7.
not liable for road labor, 2006.
must work, when, 2506.
help by relatives, 2507.
sending out of state without authority, misdemeanor, 2642, 2543, 10252, 10253.
bringing into state without authority, penalty, 2544.
aid for able-bodied, unlawful, 2509.
houses used for the support of, as exempt from taxation, 2078.
sexual intercourse with, felony, when, 7577.
selling liquor to, how punished, 10142.
overseer of, liability for unlawful confinement of insane person, 9731.
convicts, aid for, 10960.

§ 2. *Oversight of poor, in general.*

township supervisors are overseers of, 2496, 2497.
suits against overseers, how conducted, 2498.
application for relief, how made, 2499.
oversight and care of the poor, 2502.
complaint in behalf of the poor, duty of overseers, 2503.
overseer to make investigation, 2504.
temporary aid, when to be given, 2505.
persons asking aid must work, 2506.
help by relatives, 2507.
overseers of the poor to report to county commissioners in certain cases, 2508.
allowance for support of poor person, increase or reduction of, how made, 2508.
aid to able-bodied non-residents unlawful, 2509.
legal residence of applicant must be ascertained, 2510.
reports to be kept, 2511.
copies of reports to be filed with auditor, 2512.
appeal to county commissioners from decision of overseer of the poor, 2513.

§ 3. *Legal residence of.*

how determined, 2500.
how acquired, 2500.
where residence is uncertain, 2514.
poor person may be conveyed to place of residence, 2515-2542, 2544.
appeal to district court from direction of removal, 2516.
appeal, how heard, 2517.
when order of removal is defective, removed how, 2518.
overseer must receive persons having legal residence, 2519.

§ 4. *Overseers generally.*

procedure in case of death, resignation or removal of, 2520.
to make quarterly statements to county commissioners, 2521.
providing for care of non-residents, 2522.

INDEX.

(References are to sections.)

POOR — (continued).

- compensation of, 2523.
- to submit accounts, when, 2524.
- blanks for reports, schedules and information, how procured, 2525.
- unorganized counties, county commissioners to act as overseers of the poor in, 2526.
- provisions of act relative to township supervisors to apply to city council or city commissioner when, 2527.
- independent poor relief districts, how organized, 2528.
- § 5. *Asylum and poor farm.*
 - election for establishment, 2529.
 - how established, 2529.
 - management of, 2529.
 - duty of superintendent of asylum, 2530.
 - physician to be appointed by board of county commissioners, 2531.
 - poor children may be bound out, 2532.
 - assessment of tax for poor farm, 2533.
 - all poor shall go to asylum, when, 2534.
 - superintendent of asylum to give bond to state, 2535.
 - poor children to be educated, when, 2536.
 - education of poor children, 2537.
 - discontinuance of asylum, 2538.
 - board of county commissioners may levy poor tax, 2539.
 - board of visitors for,
 - appointment of, 2540.
 - duties and reports, 2540.
 - compensation, 2541.
- § 6. *Relief for needy settlers.*
 - appropriation for, 2545.
 - accounts, how audited, 2546.

POOR FARM.

See Poor, § 5.

PORTER.

defined, 10157.
intoxicating liquor, 10105.

PORTERS.

power of cities to license, tax, and regulate, 3599 (31).
— cities under commission form of government, 3818 (24).

PORTS OF ENTRY.

for importation of oil, how designated, 3078.

PORT WARDEN.

assuming to act as, misdemeanor, 9757.

POSSESSION.

actions for recovery of real property, see Property.
defined, 7326.
as used in game and fish law, defined, 10275.
presumption of ownership from, 7936.
presumption of, from legal title, 7365.
occupation under written instrument, effect of, 7366.
of tenant deemed that of landlord, 7370.
essential to pledge, 6772.
not essential to mortgage, 6726.
mortgagee entitled to, when, 6740.

INDEX.

(References are to sections.)

POSSESSION — (continued).

- of purchaser at tax judgment sales, when entitled to, 2337.
- of real property, actions for, 8145.
- of counterfeit note with intent to default, forgery, 9891.

POSSIBILITY.

- not transferable, 5491.
- mere, not interest in property, 5278.
- See also Property.

POSTAL RIGHTS.

- of insane persons, how secured, 2580-2582.

POSTHUMOUS HEIR.

- when entitled to take future estate, 5276.

POSTMASTERS.

- exempt from jury duty, 814.

POSTPONEMENT.

- See Adjournment.

POTATOES.

- weight of bushel of, 3006.

POULTRY.

- state association,
 - appropriation for, 5117.
 - annual exhibitions, 5118.
 - conditions to be complied with, 5119.
 - executive committee; appointment and duties of, 5120.
- regulations affecting the sale of, in cities, 3599 (36) (38).
- cities under commission form of government, 3818 (29) (31).

POUNDS.

- in townships, see Townships, § 14.
- power of cities to establish, 3599 (61).
- cities under commission form of government, 3818 (56).

POWER OF ATTORNEY.

- not affected by law concerning power in real property, 5382.
- gratuitous employee must act under, 6111.
- fees for recording, 3511.
- how revoked if recorded, 5596.
- agent must have, to foreclose mortgage, 8075.
- to foreclose mortgage must be recorded, 8076.
- to execute mortgage, requisites of, 6737.
- commissioner of insurance to accept process for fraternal beneficiary societies, 5074.

POWERS.

§ 1. In general.

- what powers permitted, 5381, 5434.
 - chapter not applicable to power of attorney, 5382.
- powers defined, 5383.
- author defined, 5384.
- powers classified, 5385.
- when power is general, 5386.
- when power is special, 5387.

INDEX.

(References are to sections.)

POWERS — (continued).

- when power is beneficial, 5388.
- when in trust,
 - generally, 5389.
 - general power when in trust, 5390.
 - special power when in trust, 5391.
- capacity to create, 5392.
- minor cannot delegate, 4338.
- persons of unsound mind cannot delegate, 4345.
- in whom vested, 5393.
- how created, 5394.
- power reserved, 5395.
- when irrevocable, 5396.
- when power is on land, 5397.
- when power deemed part of security, 5398.
- certain laws applicable to, 5443.

§ 2. Execution.

- who cannot execute power, 5399.
- execution by married women, when, 5400, 5401.
- how executed, 5402.
- where power is vested in several, how executed, 5403.
- how executed by will, 5404.
- how executed by grant, 5405.
- when power is directed by insufficient instrument, 5406.
- formalities unnecessary, 5407.
- trivial conditions disregarded, 5408.
- binding conditions, what are, 5409.
- necessary consent of third party, how expressed, 5410.
- consent of survivor, 5411.
- execution by holder of power valid without recital, 5412.
- instruments may in execution of a power be deemed conveyance, 5413.
- execution by district court, when, 5440.
- for benefit of creditors, when, 5441.
- defects in, how cured, 5442.

§ 3. Provisions regulating generally.

- disposition of real property beyond authority not void, when, 5414.
- period of suspension of alienation, how computed, 5415.
- condition at creation of power determines legality, 5416.
- of married women, extent of, 5417.
- relief of purchaser from defect, 5418.
- fraud, effect of, 5419.
- to married women, when valid, 5420.
- absolute power of disposition, effect of, to change estate into fee, 5421-5424.
- when power is deemed absolute, 5425.
- power of revocation reserved, grantor deemed owner, 5426.
- when special or beneficial power is valid, 5427.
- when mortgage does not extinguish power, 5431.
- effect of mortgage, 5432.
- when power subject to creditors' claims, 5433.
- enforcement of power for party's interest, 5435, 5436.
- beneficiaries named generally to receive equal shares, 5437.
- when trustees have discretionary power as to shares, 5438.
- death of trustee, effect of, 5439.

§ 4. Power to lease.

- how far power to lease is void, 5428.
- when power to lease is transferable, 5429.
- when power to lease may be released, 5430.

INDEX.

(References are to sections.)

PRAIRIE FIRES.

See Fire, § 3.

PRECINCT COMMITTEEMEN.

See Elections, Primary, § 8.

PREFERENCE.

of partners where partnership is insolvent, 6450.
of lien for bottomry, 6807, 6808.

PREFERRED STOCK.

See Corporations, § 11.

PREGNANCY.

of woman convicted of death, effect of, 10986, 10987.

PRELIMINARY EXAMINATION.

in criminal procedure, see Criminal Procedure, § 5.

PREMEDITATION.

when inferred, 9465.

PRESCRIPTION.

defined, 5470.
of highway, when, 1918.
title to real property acquired by, 5471.

PRESENT INTEREST.

See Property, § 6.

PRESENTMENT.

by grand jury, see Criminal Procedure, § 7.

PRESIDENTIAL ELECTORS.

not to be nominated at primary election, 852.
arrangement of names on ballot, 963.
contest of election of, 1059-1069.
when to convene, 1037.
vacancies, how filled, 1037.
compensation and mileage of, 1038.

PRESIDENT, NOMINATION OF.

election of delegates to convention, 910.

PRESUMPTION.

See Evidence, § 3.

PRESUMPTIVE EVIDENCE.

See Evidence, § 3.

PREVENTIVE RELIEF.

preventive relief may be given only in cases enumerated in the code, 7185.
how preventive relief is given, 7187.
not granted to enforce a penal law except in case of nuisance, 7188.
not granted to enforce a penalty or forfeiture, 7188.

INDEX.

(References are to sections.)

PRINCIPAL AND AGENT.

§ 1. *In general.*

- definition of agency, 6319.
- who may appoint and be agent, 6320.
- special and general agent defined, 6321.
- agency classified, 6322.
- actual agency defined, 6323.
- ostensible agency defined, 6324.
- measure of damages for breach of agent's warranty of authority, 7163.
- agent appointed to take care of unclaimed shares of a decedent's estate, 8867-8871.
- liability of agent negotiating instrument without indorsement, 6954.
- responsibility of sub-agent, 6144.

§ 2. *Authority of agent.*

- extent of authority, 6325.
- acts done by or to agent, 6326.
- authority limited, when, 6327.
- how agency created, 6328.
- no consideration necessary, 6329.
- form of authorization, 6330.
- how ratification made, 6331.
- part ratified all ratified, 6332.
- ratification, when valid, 6333.
- retroactive ratification limited, 6334.
- rescission of ratification, 6335.
- agent not to act beyond authority conferred, 6336.
- actual authority, 6337.
- ostensible authority, 6338.
- authority defined by law, 6339.
- authority to do necessary acts, 6340.
- when agent may disobey instruction, 6341.
- authority limited to specific term, 6342.
- general authority limited, 6343.
- may warrant title to personalty, 6344.
- may give usual covenants of warranty, 6345.
- may receive price of things sold, 6346, 6347.
- to assign negotiable instrument, 6904.
- notice of dishonor of negotiable instrument by agent, 6976.

§ 3. *Duty of agent.*

- not to exceed authority, 6141.
- to keep principal informed of acts, 6142.
- as collector of negotiable instruments, 6143.
- to give notice of dishonor of negotiable instrument, 6979.

§ 4. *Mutual obligation of principals and third persons.*

- rights and liabilities of agent accrue to principal, 6348.
- when incomplete execution is binding, 6349.
- when notice to one is notice to both, 6350.
- authorized acts bind although authority exceeded, 6351.
- when ostensible authority is binding, 6352.
- when excessive credit to agent binds principal, 6353.
- set-offs against agent, 6354.
- instrument within scope of authority is binding, 6355.
- principal's responsibility for agent's negligence, 6356.
- principal's responsibility, how limited, 6357.

§ 5. *Obligation of agent to third persons.*

- when agent warrants authority, 6358.
- when agent is liable as principal, 6359.
- warrant of property adversely claimed, 6360.

INDEX.

(References are to sections.)

PRINCIPAL AND AGENT — (continued).

- § 6. *Delegation of agency.*
 - other portions of code applicable, 6361.
 - when agent cannot delegate powers, 6362.
 - wrongful delegation makes agent principal, 6363.
 - rightful sub-agent as principal's agent, 6364.
- § 7. *Termination of agency.*
 - in general, 6365.
 - not coupled with interest, how terminated, 6366.
- § 8. *Auctioneers as agents.*
 - authority from seller, 6367.
 - authority from bidder, 6368.
 - See also Auctioneer.
- § 9. *Factors as agents.*
 - defined, 6369.
 - authority, 6370.
 - ostensible authority, 6371.
 - See also Factors.
- § 10. *Ship masters and pilots as agents.*
 - master of ship as general agent of owner, 6372.
 - authority of master to borrow money, 6373.
 - master as agent for owner of cargo, 6374.
 - master authorized to make contracts binding owner, 6375.
 - authority of master to hypothecate ship, freightage and cargo, 6376.
 - master authorized to sell ship, 6377.
 - master authorized to sell cargo, 6378.
 - master authorized to pay ransom, 6379.
 - master's authority ceases on abandonment to insurer, 6380.
 - master's personal liability, 6381.
 - for negligence of crew, 6382.
 - for negligence of pilot, 6383.
- § 11. *Ship managers as agents.*
 - authority to direct and settle, 6384.
 - authority limited, 6385.

PRINCIPAL AND SURETY.

- § 1. *In general.*
 - official bonds, number of sureties required, 673.
 - attorneys disqualified to act as surety, 798.
 - punishment of principal for contempt of order or decree of county court as a bar to an action against him or the sureties on his bond, 8589.
- § 2. *Who are sureties.*
 - surety defined, 6675.
 - surety appearing as principal, 6676.
- § 3. *Liability of sureties.*
 - express terms govern, 6677.
 - how terms of contract interpreted, 6678.
 - effect of judgment against surety, 6679.
 - exoneration by performance or offer, 6680.
 - exoneration of surety, how accomplished, 6681.
- § 4. *Rights of sureties.*
 - same as guarantors, 6682.
 - may require proceedings against principal, 6683.
 - may compel principal to perform, 6684.
 - may require principal to reimburse, 6685.
 - entitled to same remedies as creditors, 6686.
 - subrogated to rights of creditors, 6687.
 - hypothecated property of principal to be first applied, 6688.

INDEX.

(References are to sections.)

PRINCIPAL AND SURETY — (continued).

execution against, to be enforced against principal first, 7769.

right of sureties on bonds of executor, administrator or guardian to be released on application to the county court, 8696.

§ 5. *Rights of creditors.*

entitled to surety's securities, 6689.

§ 6. *Letter of credit.*

defined, 6690.

may be several, 6691.

to whom writer liable, 6692.

letters of credit classified and classes defined, 6693.

authority conferred by general letters of credit, 6694.

conclusive credits, when given, 6695.

when letter of credit is deemed a continuing guarantee, 6696.

notice of credit given on letter of credit, when, 6697.

credit given must agree with letter, 6698.

PRINCIPALS.

See Guaranty; Principal and Agent; Principal and Surety.

in crime, who are, 9218.

accessories deemed, when, 10705.

PRINTING.

See Printing, Public; Publication.

briefs for appeal to be printed, 7847.

abstracts not to be printed for appeal, 7847.

legal rates for publication of notices required by law, 3540.

PRINTING, PUBLIC.

§ 1. *In general.*

printing commission created, 45.

classes of public printing, 46.

paper, quality and price, 48, 49.

maximum prices, 48.

qualifications for doing, 57.

must be done in state, 57.

for state, where to be done, 3176.

extension of time of contract, 60.

cancellation of contract, 58.

penalty for delay, 58.

binding of documents and laws, 59.

account,

to be kept by secretary of state, 101.

approved by whom, 101.

newspapers qualified to do legal printing, 3173.

copies of paper containing legal printing to be filed with historical society, 3173.

publisher to file affidavit of subscriptions, 3174.

penalty for violation of article, 3175.

public printing to be done in the state, 3176.

voucher for printing, what to contain, 3176.

request by state educational institutions for state appropriations to be printed and distributed among members of the legislature, 1741.

proceedings of educational association, 1119.

of blanks for overseer of the poor, 2525.

as to public printing in cities under commission form of government, 3818 (68).

of state library commission to be paid out of general printing fund, 1536.

§ 2. *Bids for.*

advertisement for, 47.

INDEX.

(References are to sections.)

PRINTING, PUBLIC — (continued).

- time for receiving, 99.
- how made, 50.
- bond to accompany, 50.
- opening, 51.
- right of commissioners to reject, 50.
- award where bids are same, 51.
- advertisement for bids engrossing and enrolling bills, 109, 110.
- § 3. *Legislative bills and resolutions.*
 - how printed, 52.
 - to be printed daily for distribution, 52.
- § 4. *Legislative journals.*
 - daily printing of, number of, 62.
 - how printed, 53.
 - numbers to be printed, 67, 68.
 - extension of time for printing, 60.
- § 5. *Executive documents.*
 - number to be printed, price; how printed, 54.
 - style of binding, 59.
 - extension of time for printing of, 60.
 - governor's message, how printed, 65.
- § 6. *Report of state officers, generally.*
 - number to be printed, binding of, 59, 66.
 - of commissioner of insurance, number of, 172.
 - of superintendent of public instruction, number of, 1117.
 - of state officers and institutions to governor and legislative assembly, 95, 96.
- § 7. *Session laws.*
 - number to be printed, 59.
 - printed, how, 55.
 - binding of, 59.
 - extension of time for printing, 60.
 - popular edition, how printed, 69.
 - special laws, numbers to be printed, 67, 68.
- § 8. *Commissioners of public printing.*
 - persons composing commission, 45.
 - duties,
 - in general enumerated, 72.
 - in case of failure of contractors to execute contracts, 58.
 - as to advertisements for proposals for printing, 47.
 - powers,
 - rejection of inferior printing, 61.
 - to reject bids, 50.
 - as to cancellation of contract for printing, 58.
 - experts, employment of, 56.
 - duties and compensation of, 56.
 - bids,
 - award in case bids are the same, 51.
 - time for receiving bids, 99, 100.

PRISON.

- jails serving as, see Jails.
- defined, 9360.
- punishment for escape from, 9351.
- attempt to escape from, felony, 9352.
- assisting or aiding attempt to escape from, punishment, 9354-9355.

PRISONERS.

- See Escapes.

INDEX.

(References are to sections.)

PRISONERS — (continued).

- defined, 9360.
- parole for, provisions as to, 10943-10949.
- refusal to accept prisoner, misdemeanor, 9391.
- delaying to take arrested prisoner before magistrate, misdemeanor, **9392**.
- examination of, as witness, 7878, 7879.
- indigent persons held for fine and costs, disposal of, 11345.
- removal of prisoners in case of fire, 11344.
- punishment for disorderly conduct, 11340.
- federal prisoners,
 - sheriff to receive and hold United States prisoners, 11346.
 - United States liable for expenses, 11347.
 - jailers to report to United States court, 11348.
 - sheriff's fees for boarding United States prisoners, 3518.
- treatment of prisoners,
 - person sentenced to, protected by law, 10353.
 - annoyance of convicted, prohibited, 11339.
 - cruel treatment by officers, 11338.

PRISONERS ON CIVIL PROCESSES.

See Summary Proceedings.

PRIVATE COMMUNICATION.

ownership of, 5463.

PRIVATE CORPORATION.

See Corporations.

PRIVATE PERSON.

may make arrest, when, 10573-10576.

PRIVATE ROADS.

right to close, 10090.

PRIVILEGE.

of witness, see Witnesses.
of officer having arrested person in charge, 10553.

PRIVILEGED COMMUNICATIONS.

what are in civil libel, 4354.
what constitutes, in criminal libel, 9558.

PRIZE FIGHT.

engaging in, misdemeanor, 9815.
challenge to, misdemeanor, 9816.
acts constituting challenge, 9817.
leaving state to engage in, 9818.
place of trial, 9819.
duty of peace officers as to, 9820.
neglect of duty, misdemeanor; forfeiture of office, 9821.

PROBATE CODE.

See Codes, § 5.

PROBATION.

of prisoners, provisions as to, 10950-10958.

PROCEEDINGS AFTER JUDGMENT.

joint debtors originally not served, summoned, **7850**.
requisites of summons, 7851.
summons to be accompanied by affidavit, **7852**.

INDEX.

(References are to sections.)

PROCEEDINGS AFTER JUDGMENT — (continued).

answer, 7853.
further pleadings, 7854.
pleadings verified, 7855.

PROCESS.

service of, in commencing civil action, see *Action*, § 3.
process and service in county courts, see *Courts, County*, § 5.
process and service in county courts of increased jurisdiction, see *Courts, County Courts of Increased Jurisdiction*, § 4.

§ 1. *In general.*

copy to be used when, 7962.
in civil actions, to run in name of state, 7334.
amendment of process issued by county court, 8590.
hour intended in process, order or notice of county court when no particular hour is specified, 8593.
duty of officer executing process to exhibit upon request, 3400.
exemption from process while engaged in military duty, 2427.
resisting during insurrection, 9397.
liability of sheriff for failure to execute process, 3394.
liability of sheriff for execution of process regular on its face and issued by competent authority, 3399.
seizure of property without process, misdemeanor when, 9393.

§ 2. *Service.*

power of the state to require persons to assist in enforcing service of process, 7.
in territory under jurisdiction of the United States, 3, 4.
service of, within penitentiary grounds, 11183.
service of process issued by county court, 8522.
service of, cannot be made on election day, 1044.
serving of, as Sabbath breaking, 9235.
service of, on Sunday, prohibited, 9241.
malicious service of, on Saturday, when punishable, 9244.
malicious service of, on Saturday, limitation of prosecution, 9249.
service of process upon sheriff who is a party to the proceedings, 3403.
service of, on secretary of state for domestic corporations, 5243.
service on secretary of state for foreign corporations generally, 5240.
consent to service of, on secretary of state by foreign investment company, 5024.
how served on fraternal associations, 5041.
how served on corporations, 5240-5243.
service of process in legal proceedings against a township, 4230.
of papers upon attorney, 7959.

§ 3. *Return.*

liability of sheriff for failure to return process, 3393.
return of the sheriff prima facie evidence of facts stated in such return, 3392.
foreign process, indorsement and return of by sheriff, 3391.

§ 4. *Fees and rates.*

sheriff's fees for serving process, 3514.
fees of officers to be indorsed upon process, 3517.
legal rates for publication of notices required by law, 3540.

PROCURER.

liable as principal, when, 6954.

PRODUCTS.

increase of things hired belongs to whom, 6080.

PRODUCTS OF THE MIND.

ownership of, 5458-5463.

INDEX.

(References are to sections.)

PROFANITY.¹

- defined, 9225.
- punishment of, 9226.
- summary conviction for, 9227.
- penalty for, how collected; commitment, 9228.
- when deemed disturbance of religious meeting, 9249.
- prosecution for, time limited, 9249.

PROHIBITION, WRIT OF.

- parties to, 8443.
- judgment, order and motion defined, 8444.
- definition of, 8470.
- by whom and when issued, 8471.
- alternative and peremptory, 8472.
- what law applicable when writ issued in vacation, 8474.
- rules of practice, 8475.
- new trials and appeals, 8476.
- sheriff's fees for executing a writ of prohibition, 3514.

PROMISSORY NOTE.

- See Negotiable Instrumenta.

PROOF.

- See Acknowledgment and Proof; Evidence.

PROPERTY.

- as to measure of damages in actions relative to, see Damages.
- as to taxation of, see Taxation.

§ 1. *In general.*

- defined, 7309, 10370.
- power of state over; escheats, 8, 9.
- of all kinds, subject to transfer, 5490.
- force may be used to protect, 4356.
- rights and capacities of married women as to, 4411.
- parent as such has no control over property of child, 4427.
- income defined, 5301.
- limitation, when created, 5302.

§ 2. *Nature of, generally.*

- ownership defined, 5245.
- what may be owned, 5246..
- wild animals, 5247.
- wild game or fish, 10262.
- classification of,
 - real or immovable, 5248.
 - personal or movable, 5248.
- real, defined, 5249.
- land defined, 5250.
- fixtures defined, 5251.
- appurtenances defined, 5252.
- personal, defined, 5253.

§ 3. *Owners generally.*

- public and private, 5254.
- of land below highwater mark, 5255.
- who may hold, take and dispose of, 5256.

§ 4. *Ownership classified and defined.*

- ownership classified, 5257.
- absolute ownership defined, 5258.
- ownership qualified when, 5259.

INDEX.

(References are to sections.)

PROPERTY — (continued).

- sole, defined, 5260.
- ownership of, by several, 5261.
- joint tenancy defined, 5262.
- partnership defined, 5263.
- common tenancy defined, 5264, 5265.
- § 5. *Acquisition of property.*
 - modes under which property may be acquired, 5468.
 - See Occupancy; Wills; Succession; Real Property, §§ 7, 8; Personal Property, §§ 3, 4.
- § 6. *Interests in, generally.*
 - commencement and duration, 5266.
 - present interest in, defined, 5267.
 - future interest in, defined, 5268.
 - perpetual interest in, defined, 5269.
 - limited interest in, defined, 5270.
 - future interests,
 - in property, defined, 5268.
 - future estates classified, 5271.
 - when future estates vest, 5272.
 - future estates, when contingent, 5273.
 - future estates, alternative contingencies, 5274.
 - future estates not void, when, 5275.
 - future estates, when posthumous children are entitled to take, 5276.
 - future estates pass, how, 5277.
 - future estate in, only such as defined by code, 5281.
 - possibilities not deemed to be an interest, 5278.
 - void, when power of alienation is suspended, 5288.
 - interest in real property, called estate, 5279.
 - nomenclature of interest in real estate, application of, to personal property, 5286.
 - lien on, 6706.
- § 7. *Conditional ownership.*
 - defined, 5282.
 - classified, 5283.
 - illegal conditions void, 5284.
 - restraints on alienation void, when, 5286.
 - power of alienation, how long suspended, 5287.
 - when future interests void, 5288.
 - leases limited, 5289.
- § 8. *Accumulation.*
 - future income, what law controls disposition of, 5290.
 - when illegal, 5291.
 - of income, how directed, 5292.
 - of income beyond minority, void, 5293.
 - of interest, allowance to minor from, 5294.
 - owner owns products and accessions, 5295.
 - to whom undirected income belongs, 5296.
- § 9. *Termination of ownership.*
 - future contingent interest defeated by birth, 5297.
 - defeated in other ways, 5298.
 - when not defeated, 5299-5300.

PROPERTY, PERSONAL.

- as to measure of damages in actions relative to, see **Damages**.
- as to taxation of, see **Taxation**.
- foreclosure of mortgage on, see **Chattel Mortgage**.
- § 1. *In general.*
 - defined, 2077, 2669, 7309, 10369.
 - what law governs, 5444.

INDEX.

(References are to sections.)

PROPERTY, PERSONAL — (continued).

- law governing lost property, 2669.
- validity of minor's contract as to, 4338.
- method for the recovery of possession of personal property, in general, 7190.
- right to compel specific delivery of personal property, 7191.
- presumption that breach of agreement to transfer personal property can be adequately relieved by compensation, 7194.
- limitation of actions for taking or injuring, 7375.
- form of judgment in action for recovery of, 7682.
- § 2. *Kinds of personal property.*
 - things in action, 5445, 5446.
 - ships, 5447-5453.
 - products of the mind,
 - ownership of, 5458.
 - ownership of joint products, 5459.
 - transfer, 5460.
 - publication of, 5461.
 - subsequent production of same thing, 5462.
 - ownership of private connections, 5463.
 - trade marks, 5464.
 - good will, 5465, 5466.
 - title deeds, 5467.
 - corporate stock, 4527.
 - bank shares as, 5160.
- § 3. *Accessions to personal property.*
 - things inseparable united, 5479.
 - principal part defined, 5480, 5481.
 - thing made from another's materials, 5482.
 - blended materials, 5483.
 - admixture of materials, 5484.
 - foregoing section not applicable to wilful use, 5485.
 - materials restored in kind or full value paid, 5486, 5487.
- § 4. *Transfer of.*
 - mode of transfer,
 - of interests in ships and trusts, 5533.
 - of other personalty, 5534.
 - what operates as,
 - agreement of parties, 5535.
 - when transfer by executory agreement operative, 5536.
 - transfer by agent, 5537.
 - gifts,
 - defined, 5538.
 - requisites of valid verbal gift, 5539.
 - revocability; separation, 5540.
 - "in view of death," defined, 5541.
 - when presumed, 5542.
 - when revocable; rights of purchaser, 5543.
 - not affected by will, 5544.
 - treated as legacy as relates to grantors, 5545.

PROPERTY, REAL.

- for action in partition, see Partition.
- as to measure of damages in actions relative to, see Damages.
- as to taxation of, see Taxation.
- § 1. *In general.*
 - defined, 2074, 2075, 5229, 5249, 10368.
 - term co-extensive with lands, tenements and hereditaments, 7309.
 - what law governs. 5303.

INDEX.

(References are to sections.)

PROPERTY, REAL — (continued).

- not to be litigated in justice's court, 9055.
- validity of minor's contract as to, 4338.
- cannot be conveyed by idiot, 4344, 4345.
- presumption that breach of agreement to convey real property cannot be adequately relieved by compensation, 7194.
- successor of party may revive judgment, when, 7409.
- methods for recovery of possession of real property, in general, 7189.

§ 2. *Estates.*

in general,

- estates classified as to duration, 5304.
- estates in fee defined, 5305.
- estates tail abolished, 5306.
- estates valid as contingent limitation on fee, 5307.
- estates of freehold defined, 5308, 5309.
- future estates, how limited, 5310.
- reversion defined, 5311.
- remainder defined, 5312.
- absolute ownership of, how long suspended, 5313, 5314.
- creation of remainder on prior remainder, 5315.
- creation of future freehold estates, 5316.
- life estates, when void, 5317.
- remainder upon successive life estate, 5318.
- contingent remainder on term of years, 5311.
- estate for life as remainder on term of years, 5320.
- conditional limitation, 5321.
- limitation of, to heirs of body, 5322.
- on death of first taker, 5323.
- future estates, unexecuted power, 5324.

termination of estate,

- estate of whole, 5325.
- notice, 5326.
- subsequent action, 5327.
- re-entry, how made, 5328.
- re-entry without notice, 5329.

§ 3. *Servitudes.*

- passed and created by transfer of real property, 5520.
- power to take by eminent domain, 8204.
- enumerated, 5330.
- which may be enjoyed although not attached to the land, 5331.
- dominant and servient tenement, 5332.
- who may create servitudes, 5333.
- who can hold servitudes, 5334.
- extent of, 5335.
- partition of dominant tenement burden to be apportioned, 5336.
- rights of future owner of dominant tenement, 5337.
- right of action for enforcement of easement, 5338.
- right of action in behalf of servient tenement to recover possession, 5339.
- extinguishment of, 5340.

§ 4. *Holding of, by corporations.*

- may be acquired by religious, etc., corporations, 5007.
- holdings of religious or charitable corporations or associations limited, 4503.
- may be held by cemetery corporation, 5091.
- may be held by railroad companies, 4613.
- may be held by banking corporation, 5151, 5152.
- may be held by building association, 5127.
- power of fraternal associations to acquire, 5031.
- holding of, by life insurance companies limited, 4862.

INDEX.

(References are to sections.)

PROPERTY, REAL — (continued).

- limitation of purchase and conveyance by domestic insurance company, 4842.
- may be held by agricultural fair association, 5114.
- § 5. *Incidents of ownership of land.*
 - "lands" includes water, what, 5341.
 - water courses defined, 5341a.
 - rights of owner of life estate, 5342.
 - rights of tenant, 5343.
 - how determined, 5344.
 - succession of rights, 5345.
 - assignees of lessor or lessee, 5346.
 - notice to change terms of lease, 5347.
 - life lease rent, 5348.
 - recovery of rent after death, 5349.
 - right of action for injury done to inheritance, 5350.
- § 6. *Obligations of owner.*
 - to maintain boundaries and fences, 5358.
 - life tenant to keep property in repair and pay taxes, 5357.
- § 7. *Accessions to real property.*
 - when tenant may remove fixtures, 5472.
 - riparian accretions, 5473.
 - land removed by stream reclaimed, when, 5474.
 - islands in navigable streams, 5475.
 - in public streams, 5476.
 - islands formed by new channel, 5477.
 - when ancient bed of stream may be taken under indemnity, 5478.
- § 8. *Transfers of.*
 - in general,
 - covenants implied from use of word "grant," 5521.
 - usual covenants in sale of, enumerated, 5958.
 - agreement for sale of, to be in writing, 5963.
 - cancellation of grant does not re-transfer title, 5499.
 - form of grant; proved by subscribing witnesses; seal, 5516.
 - form of corporate signature, 5515.
 - transfers subject to coal deposits, 5518, 5519.
 - separate deeds of husband and wife to same property; legalized, 5517.
 - prior instruments legalized, 5514.
 - mode of,
 - by law or writing only, 5511.
 - by-laws of corporation empowering officers to execute, 5512.
 - who executes if not so empowered, 5513.
 - effect of,
 - passes or creates easements, 5520.
 - covenants implied from use of word "grant," 5521.
 - grant conclusive against whom, 5522.
 - grant valid pro tanto, 5523.
 - title to highway, 5524.
 - attornment not necessary, 5525.
 - lineal and collateral warranties abolished, 5526.
 - grant presumed fee simple title, 5527.
 - grant takes effect on performance of condition, 5528.
 - after-acquired title, when merged, 5529.
 - reconveyance of estate defeated by non-performance on condition subsequent, 5530.
 - incumbrances defined, 5531.
 - liability of grantor, 5532.
- § 9. *Actions relative to, in general.*
 - who may be parties, 7404, 7405.
 - place of trial of, 7415.

INDEX.

(References are to sections.)

PROPERTY, REAL — (continued).

- for possession of land, by servient tenement, 5339.
- for recovery of real property leased or granted, with right of re-entry, 5329.
- actions to determine conflicting claims to,
 - action authorized, 8144.
 - recovery,
 - for use and occupation, 8145.
 - for waste, 8145.
 - for possession, 8145.
 - joinder of plaintiffs, 8146.
 - pleading, 8146.
 - complaint; requisites of, 8147.
 - joinder of defendants, 8148.
 - unknown persons made parties, 8149.
 - service of summons upon unknown parties defendants, 8150.
 - answer; counterclaim, 8151.
- action to quiet title as against a tax deed, 2194.
- trial,
 - who may bring case on for trial, 8153.
 - findings, 8153.
 - possession, 8153.
 - costs, 8153.
- judgment, 8154.
 - where right to, fails after action brought, 8154.
- adjustment of cross judgment, 8155.
- defendant permitted to defend after expiration of time to answer, 8156.
- homestead, court to determine heirs or devisees of deceased entryman, 8157.
- procedure, 8158.
- right of entry to make service, etc., 8159.
- right to extend to both parties, 8159.
- order for entry; service, 8160.
- purchaser may recover for waste, 8161.
- alienation not to affect action, 8162.
- mining customs govern mining claims, 8163.
- claimants of public lands, right of action, 8164.
- holder of contract for purchase of land from state, may sue, 8165.

PROSECUTION.

- See generally Criminal Procedure.
- to be in name of state, 10391.
- prosecution in name of state's attorney permitted when, 9428.
- of crime, only upon information or indictment, 10389.
- compounding, punishment, 9402.

PROSTITUTION.

- prostitute defined, 9642.
- unlawful to receive prostitutes, 9643.
- power of cities to restrain and punish, 3599 (56).
- power of cities under commission form of government to restrain and punish, 3818 (51).
- inveigling into, punishment for, 9572.
- detention in, punishment for, 9573.
- inveigling to house for, 9572.
- detention in house for, 9573.
- abduction for, 9574.

PROTEST.

- of negotiable instruments, see Negotiable Instruments.

INDEX.

(References are to sections.)

PROVISIONAL INJUNCTION.

See Injunction.

PROVISIONAL REMEDIES.

enumerated, 7487.

PROVISIONS.

sale warrants soundness and wholesomeness, 5985.

regulation of sales of, in cities, 3599 (36-38).

— in cities under commission form of government, 3818 (29-31).

PROXIMATE CAUSE.

right to recover for all detriment proximately caused by tort, 7165.

PROXY.

use of, in political conventions, misdemeanor, when, 9294.

of member of corporation; to be in writing, 4547.

members of live stock insurance company, may vote by, 4955.

in meetings of mutual insurance companies, 4873.

no votes by, for directors of county mutual insurance company, 4945.

voting by, in accident and sickness companies, 4977.

members of fraternal beneficiary societies not to vote by, 5061.

PUBLIC ADMINISTRATOR.

See Executors and Administrators, § 13.

PUBLICATION.

§ 1. *In general.*

in libel cases defined, 9555.

right of plaintiff to designate newspaper for publication of legal notices, 3540.

"successive week" defined, 7317.

proof of, how made, 7914.

legal rates for publication of notices required by law, 3540.

fees for legal, to be paid in advance, 7767.

§ 2. *Publication of miscellaneous matters.*

syllabi of decisions of supreme court, 726.

notice of special term court, 442.

of notice of taking up estrays, 2658.

of notice of expiration of time for driver's right of recording brand, 2604.

of pure food list, 2887.

of organization certificate of banking corporation, 5156.

auditor to publish list of government licenses, 10149.

probate proceedings, service of citations and notices by publication, 8554, 8557.

of annual report of bridge company, 5004.

of statements of insurance companies, 4915.

of report of agricultural survey, 1667.

of reports of hail insurance department, 189.

reports of state bonding department, 199.

of proceedings of state board of equalization, 2142.

§ 3. *Of summons.*

service of summons and complaint by, 7428-7434.

service of summons by, in partition actions, 8029.

of summons in actions for eminent domain, 8209.

service of summons by, in justice's court, 9027.

§ 4. *Of matters pertaining to elections.*

notice of election, 982.

of nominations, how made, 975.

of statement of canvassing board in official newspaper, 873.

INDEX.

(References are to sections.)

PUBLICATION — (continued).

- of statement of state board of canvassers, 877.
- of abstract of votes, 1009.
- § 5. *Of health regulations.*
 - of regulations of local boards of health, 416.
 - of regulations of state live stock sanitary board, 2680.
- § 6. *Of matters pertaining to public lands.*
 - publisher to make affidavit of application of list of lands forfeited to state, 2309.
 - lease of school lands, 340.
 - of sale of public lands, 302.
- § 7. *Of partnership matters.*
 - of notice of use of fictitious name, 6426.
 - of certificate of formation of special partnership, 6439, 6440.
 - of notice of dissolution of partnership, 6418.
- § 8. *Of sale of stock.*
 - of notice of sale of stock for delinquent assessment, 4578.
 - time for sale of stock for delinquent assessment extended by, 4584.
- § 9. *Of foreclosure.*
 - of notice to foreclose mortgage, 8079.
 - of foreclosure of land contract, 8121.
 - of notice of chattel mortgage sale, 8125.

PUBLIC BATHS.

- public baths in cities, 4016-4018.
- provision for the establishment of, in cities under commission form of government, 3818 (74).

PUBLIC BUILDINGS.

- doors in, to swing out; width of, 2995-2997.
- erection of, plans and specifications, 1829.
- advertisement for proposals for erection, 1830.
- plans and specifications, 1831.
- award of contract for erection, 1832.
- appropriation for erection of buildings not to be used for any other purpose, 1834.
- material furnished in the state to be used for the erection and repair of buildings, 1835.
- specification for erection or repair not to call for patented article where such requirement will prevent proper completion, 1836.
- allowance and payment of estimate during erection, 1838.
- board of trustees authorized to employ any suitable person to superintend construction, 1838.
- injuries to, penalty, 9846.

PUBLIC CONVEYANCE.

- rights relative to, as easement, 5330.

PUBLIC CORPORATION.

- See Cities; Villages; Towns; Townships. •

PUBLIC CREDIT.

- funding warrants to issue for the protection of, 2305.

PUBLIC DRINKING CUPS.

- forbidden, 2952-2954.

PUBLIC FUNDS.

- apportionment of, how made, 640.
- payment of, how made, 641.

INDEX.

(References are to sections.)

PUBLIC GROUNDS.

- general powers of the city to establish and vacate, 3599 (7).
- cities under commission form of government, 3818 (5) (74).

PUBLIC GYMNASIUM.

- in cities, 3818 (74), 4016-4018.

PUBLIC HALLS.

- doors to swing out, 2995.
- width of doors in, 2995.

PUBLIC HEALTH.

- See Health.

PUBLIC HEALTH LABORATORY.

- See University of North Dakota.

PUBLIC HIGHWAYS.

- as used in motor vehicle law, defined, 2976a.
- See generally, Highways.

PUBLIC INSTITUTIONS.

- See State Institutions.

PUBLICITY.

- record of corporate business transactions, 4560.

PUBLICITY PAMPHLET.

- See Elections, Primary, § 1.

PUBLIC LANDS.

§ 1. *In general.*

- control by board of university and school lands, 285.
- appropriation for interest on investment bonds, etc., 295.
- investment of school funds, manner of, 287, 293.
- patents entitled to record, when, 5546.
- claims on, right of action to determine, 8164.
- railroads, right of way over, 4616.
- when right of way reverts to state, 4616.
- holder of contract for purchase of, may sue, when, 8165.
- irrigation of, 8298, 8299.

§ 2. *Board of university and school lands.*

- membership of, 284.
 - governor, 111.
 - secretary of state, 122.
 - state auditor, 132.
 - attorney-general, 157.
 - superintendent of public instruction, 1107.
- meetings of, 286.
- compensation of members of, 287.
- records to be kept by secretary, 289.
- powers of,
 - in general, 285.
 - to execute satisfaction of mortgage loan, 288.
 - to make rules and regulations for leasing coal land, 353.
 - to withdraw land from public sale, 306.
 - to lease school land for coal mining, 350.
 - to permit the cutting of hay and removal of dead and down timber, 348.

INDEX.

(References are to sections.)

PUBLIC LANDS — (continued).

duties,

- to make schedule of coal land, 356.
- to examine school land as to coal underlying it, 365, 366, 367, 368.
- as to irrigation, 8297.
- to invest school funds, 287.

funds of,

- in custody of state treasurer, 290.
- duty of treasurer in respect to, 291.
- foreclosure of mortgages securing loans from school fund, 292.
- assignment of mortgages securing loans from school fund, 292.
- manner of investing permanent fund, 293.
- appropriation for accrued interest on investments purchased out of school funds, 295.
- expenses, appropriation for, 364.
- incidental expenses, how paid, 294.

§ 3. *Commissioner of.*

- appointment, 285.
- term of office, 296.
- vacancy, 296.
- salary of, 297.
- deputy, 298.
- duties of, in general, 299.
- duty as to land appraised by county board, 301.
- to seize property taken from state land, 359.
- to transmit description of land sold to county auditor, 325.
- to collect fees for leases of state lands, 363.
- custodian of abstract and conveyances, 332.
- examination of land by town assessors, 331.
- list of lands sold to be furnished county treasurers, 330.

§ 4. *Appraisement and sale of.*

- county board of appraisers,
 - membership of, 300.
 - duties of, 300.
- what lands certified for sale, 301.
- notice of sale to be published, 302.
- sale,
 - manner of, 303.
 - terms of, 304.
 - adjournment of, 305.
 - withdrawal of land from, 306.
 - county auditor to act as clerk of, 307.
 - approval of sale, 307.
 - notice to purchaser, 308.
 - when sales are void, 309.
 - when survey of land to be made, 310.
 - subdivision of land into small tracts, when to be made, 311.
 - new appraisals, 312.
 - map of land sold to be entered of record, 313.
 - contracts of purchase, rights under, 314.
 - assignee of purchaser, rights, 315.
 - rights of persons levying upon interest of purchaser of, 315.
 - when several contracts for purchase of, shall be issued for one surrendered, 316.
 - right of purchaser when railroad has been located on land purchased, 317.
 - notice to purchaser, when contract voidable, 318.
 - contract for purchase voidable on failure to pay principal or interest, 318.
 - redemption of, by purchaser before resale, 319.
 - redemption from forfeited contracts, 319.
 - resale, when bidder fails to pay, 319.

INDEX.

(References are to sections.)

PUBLIC LANDS — (continued).

sale — (continued).

- fee in state until contract performed, 320.
- possession, recovery of, 321.
- reconveyance to United States in case of error, 322.
- patents for, issued when and how, 323.
- principal from sale of, to be held inviolate, 333.
- funds from sale of, to go into permanent fund, 333.
- coal lands cannot be sold, 334.
- expenses of sale, how paid, 335.

tax sale,

- tax sale of land contracted to be sold, 325.
- rights acquired by purchaser at tax sale, 325.

duties of county treasurer,

- as to collections from sales, 326.
- bond of treasurer, 327.
- fees, 328.
- list of lands sold to be furnished, 330.

duties of county auditor, 329.

§ 5. Lease of.

- lands subject to lease, 336.
- right to lease cultivated land, 337.
- appraisal for leases, 338.
- selection of, for lease, 339.
- advertisement for lease of, 340.
- approval of lease of, 340.
- manner of leasing school land, 341.
- lease of by whom, and how made, 341.
- deposit by bidders for lease of, 342.
- adjournment of time of lease of, 343.
- contracts for lease of, 344.
- timber, lessee must not destroy, 345.
- lessee not to break uncultivated lands, 346.
- hay, not to be cut before July 1st, 347.
- removal of down and dead timber, 348.
- cutting of hay on, 348.
- lease of, for coal mining, 350.
 - lease for coal mining, how advertised, 351.
 - minimum price for lease, 352.
 - not to interfere with lease for pasture or meadow, 354.
 - leasing of coal land restricted, how, 355.
- penalty for violation of statute in respect to removal of coal, 357.
- appropriation for expense of advertising and leasing, 362.
- fees for lease of school lands, 363.

§ 6. Trespass.

- trespass, action for, 349, 358.
- seizure and sale of property unlawfully severed when, 359.
- damages recovered for trespass on public land, how disposed of, 360.
- state's attorney to prosecute for trespass on, 361.

PUBLIC MEETING.

- disturbance or prevention of, misdemeanor, 9269-9271.

PUBLIC OFFICERS.

- See Officers.

PUBLIC PEACE.

- disturbing lawful meeting, misdemeanor, 9806.

INDEX.

(References are to sections.)

PUBLIC PEACE — (continued).

- riot, defined, 9807.
- punishment of riot, 9808.
- rout, defined, 9809.
- unlawful assembly defined, 9810.
- rout or unlawful assembly, misdemeanor, 9811.
- remaining after unlawful purpose disclosed, 9812.
- refusal to arrest rioter, effect, 9813.
- resisting execution of process, misdemeanor, 9814.

PUBLIC PLAYGROUNDS.

- in cities under commission form of government, 3818 (74).

PUBLIC POLICY.

- contracts contrary to, void, 5923.

PUBLIC PRINTING.

- See Printing, Public.

PUBLIC PROPERTY, STATE BOARD OF TRUSTEES OF.

- membership, 376.
- duty to report to legislative assembly, 377.
- to care for land ceded to state, 376.
- to furnish supplies for state officers, 656.
- power to acquire land for capitol site, 378.
- as to state trolley line; light and power plant, 1804, 1805.
- appropriation for, 379, 656.

PUBLIC SCALES.

- See Weights and Measures.
- as to power of cities under commission form of government to license, tax and regulate, 3818 (65).

PUBLIC SCHOOL BONDS.

- See Bonds, State, County and Municipal, § 7.

PUBLIC SCHOOLS.

- See Schools and School Districts.

PUBLIC SECURITIES.

- forgery of, 9883.

PUBLIC SERVICE CORPORATION.

- power of cities to regulate rate and charges for public services or utility, 3607-3609.
- power of villages to grant franchises for the use of streets and public grounds in villages, 3861 (20).

PUMPS.

- power of cities to regulate the construction, repair and use of, 3599 (42).
- cities under commission form of government, 3818 (35).
- of villages, 3861 (3).

PUNISHMENT.

- for crime, enumerated, 9195, 10385.
- to be inflicted only after conviction, 9199, 10388.
- persons liable to, 9206, 10501.
- ambassadors and public ministers not liable to, 9216.
- insane not subject to, 11063.

INDEX.

(References are to sections.)

PUNISHMENT — (continued).

coverture exonerates from, when, 9211.
duress exonerates from, when, 9211.
court to determine; exception, 9202.
limit of, how determined; functions of court and jury, 9203.
for felony, generally, 9204.
for misdemeanor, generally, 9205.
for second offence, 10340-10343.
of accessory, 9221.
acts punishable in different ways, how construed, 10328.
for attempts to commit crime, 10338, 10339.
for neglect of duty not to be inflicted where duty is performed, 10336.
evidence in aggravation or mitigation of, 10937.
court may reduce amount of, when, 10892.

PURCHASER.

defined, 5595.
rights of purchaser in good faith not impaired by devise, 5727.
right of innocent, not prejudiced by implied trust, 5366.
record of mortgage notice to, 6753.
record as notice to, 5594, 5596.
when filing of chattel mortgage notice to, 6759.
mortgage on personalty invalid until refiled, 6762.
transfer of personalty without possession presumed fraudulent, 7221.
in good faith, mortgage not lien against, 6739.
relief of, from defects in conveyance under a power, 5418.
transfer cannot be shown to be mortgage against, 6729.
specific performance not enforced against, 7201.
instrument intended to defraud, void against, 5599.
—— privity to the fraud cures it, 6000.
subsequent grant as revoking power of revocation reserved, 6001.
right of, on sheriff's sale, 7751.
—— entitled to rents, when, 7762.
—— reversal of judgment does not affect title of, 7768.
executor and administrator cannot be, 8789.
mortgagee may purchase at foreclosure, 8083.
referee cannot be, in partition action, 8055.

PURCHASING AGENT.

for state institutions, see *State Institutions*.

PURE FOOD LAW.

See *Food*, § 3.

PURE LIQUOR LAW.

facts found by analysis, how transmitted, 10163.
certificates as evidence, 10164.
duty of state's attorney, 10165.
what constitutes violation of chapter, 10166.
station to make annual report, 10167.
no action on contract in violation of chapter, 10168.
all moneys received by experiment station to be paid into treasury, 10169.
experiment station to enforce liquor law, 10155.
liquors included in law, 10156.
various beverages defined, 10157.
how labeled, 10158.
violations in labeling, 10159.
penalty for violation, 10160.

INDEX.

(References are to sections.)

PURE LIQUOR LAW — (continued).

licenses required, 10161.
standards adopted, 10162.

PURSLANE.

as noxious weed, 2900.

QUACK GRASS.

declared public nuisance, 623.
sale of seeds containing, prohibited, 2900.

QUAKERS.

marriage solemnized according to form used by, valid, 4361.

QUARANTINE REGULATIONS.

See Health; Contagious Diseases; Animals.

QUARTER POSTS.

preservation of, 3437.

QUIETING TITLE.

See Property, Real, § 9.

QUORUM.

of state banking board, 5146.
of tax commission, 2085.
of state board of pardons, 11100.
of grand jury, 10638, 10677.
of meetings of corporations, 4547.

QUO WARRANTO.

remedies obtainable by action instead of writ, 7969.
who plaintiff, 7970.
action against usurping officer, 7971.
security for costs from private party, 7972.
what judgment shall include, 7974.
when claimant takes office, 7975.
refusal to deliver; punishment, 7976.
damages for usurpation, 7977.
joinder of several claimants, 7978.
judgment against intruder, 7979.
original jurisdiction of supreme court to issue writ of, 7339.

RACING.

See Horse Racing.

RAG WEED.

as noxious weed, 2900.

RAILROAD COMMISSIONERS, BOARD OF.

See Carriers; Railroads.

§ 1. In general.

members,
members ex officio, 579.
qualifications, 580.
bond and oath of office, 581.
salary, 582.
free passage from carriers, 583.

INDEX.

(References are to sections.)

RAILROAD COMMISSIONERS, BOARD OF — (continued).

- counsel,
 - attorney-general to advise railroad commissioners, 595.
 - right to employ additional counsel, 595.
- office, place for keeping, 582.
- expenses, how audited, 582.
- salary of secretary, 582.
- sessions,
 - time and place of holding, 584, 585.
 - duty of attorney-general to attend, 588.
- proceedings, how conducted, 4747.
- examination of books of officers, 4749.
- majority decides questions, 601.
- decrees of commissioners enforced, how, 4732.
- compensation of attorney; costs, 4733.
- reports,
 - to governor, 587.
 - annual report of, 4748.
 - special reports, 4750-4752.
- costs and expenses of attorney-general in carrying out order of railroad commissioners, 4763.
- appropriations,
 - general, 594.
 - appropriation for salary of secretary, 652.
- § 2. *Powers.*
 - to appoint secretary, 579.
 - to employ stenographers, 586.
 - to employ assistants, 593.
 - to regulate train schedules, 592.
 - to compel train connections on competing lines, 592.
 - to examine books of railroad corporations, 4749.
 - to establish reasonable terminal charges, 4723.
 - as to railroad warehouse, 3100-3103.
 - to inspect toilet rooms at railroad stations, 4660.
- § 3. *Duties.*
 - in general enumerated, 589, 590.
 - investigation of interstate rates, 591.
 - to make examination of common carrier rates, 4713.
 - to modify rates of common carriers, 4712.
 - to make and revise schedules of rates and fares, 4728.
 - to investigate complaint of violation of schedule of rates, 4729-4730, 4731.
 - to determine reasonableness of rates, 4731.
 - to bring suit against railroad practicing discrimination or extortion, 4758.
 - to inquire into management of railroads and other common carriers, 4738.
 - to investigate complaints against railroads, 4740.
 - to serve findings on complaint, upon common carrier, 4742.
 - to bring actions against railroads for damages, 4735.
 - as to formulation of system of uniform accounting for warehouses, 3130-3134.
 - as to railroad warehouses, 3100-3103.
 - relative to construction of transfer facilities, 4779, 4780.
 - as to regulation of safety devices at railroad crossings, 4690.
 - as to construction of platforms, 4772-4774.
 - to make special reports, when, 4750, 4751.
- § 4. *Procedure on violation of act by carrier.*
 - remedy for violation of act; evidence, 4735.
 - appeals, power of court as to order appealed from, 4736.
 - penalty against individual, 4737.
 - inquiry by commissioners into business of carriers, 4738.

INDEX.

(References are to sections.)

RAILROAD COMMISSIONERS, BOARD OF — (continued).

- proceedings when subpoena disobeyed, 4739.
- complaint, 4740.
- findings of board in writing, 4741.
- report of commissioners of, 4742.
- enforcement of orders, 4743.
- power of court, 4744.
- appeal to supreme court, 4745.
- attorney-general to prosecute, 4746.
- courts always to be open for enforcement of act relative to common carriers, 4761.
- findings on complaint, to be in writing, 4741.

RAILROADS.

See Railroad Commissioners, Board of.
as common carriers, see Carriers.

§ 1. *In general.*

- definitions, 4694, 4709, 4793.
- within application of article regulating common carriers, 4708.
- not controlled by public storage article, 3148.
- judicial notice of, 7938.
- must maintain office in the state, 4631.
- mechanic's liens on railway contracts, 6819.
- killing of or injury to stock to be prima facie evidence of neglect, 4644.
- riding on cars other than passenger prohibited, 4808.
- penalty, 4809.
- defence of usury in actions on bond or other obligation, prohibited, 4628.

§ 2. *Railroad corporation.*

- incorporation,
 - who may form, 4610.
 - articles of incorporation, what to state, 4507, 4610.
- directors,
 - number and term of office, 4611.
 - may be classified, 4629.
 - qualifications of, 4629.
- stock of,
 - assessments on, unpaid, 4571.
 - not transferable until calls paid, 4612.
- stockholders may authorize purchase, etc., of non-competing lines, 4620.

§ 3. *Reports.*

- annual report to be made, 4630.
- contents of report, 4630.
- reports of, relative to location of lines and property,
 - maps and description of property to be filed, 4813-4815.
 - county auditor to send annually accurate maps of county, 4814.
 - county auditor to report companies to state auditor, 4816.
 - railroad companies to report to state auditor, 4817.
 - maps, when to be filed, 4818.
 - duty of duly organized companies, 4819.
 - duty of county and state officers, 4820.
 - penalty, 4821.

§ 4. *Powers of.*

- in general, enumerated, 4613.
- of eminent domain, 4613, 8203.
- to alter route, 4619.
- to build extensions and branches, 4618.
- consolidation, leases and purchase of non-competing lines, 4620.
- foreign corporations may extend road into state, 4632.
- sinking fund may be maintained, 4627.

INDEX.

(References are to sections.)

RAILROADS — (continued).

§ 5. Sales by.

conveyance by, how executed and recorded, 4623.
fixtures defined, what subject to mortgage, 4623.
conditional sales,
 of equipments and rolling stock to be valid, 4625.
 where recorded; cars marked, etc., 4626.

§ 6. Taxation of.

assessment of, 2242-2246.
personal property of, where to be listed for taxation, 2098.
tracks of, as personal property, 2098.

§ 7. Right of way of.

how secured, 8232-8234.
map of right of way to be filed, 4683, 4684.
through state lands, conditions, 4614.
school lands to be taken at appraised value, 4615.
right of way, how obtained, 4616.
when right of way to revert to state, 4617.
right of way for, as breach of covenant of warranty, 5960.
duty of, to burn weeds along right of way, 2807.

§ 8. Employees.

liability of railroad for injury to,
 liability for negligence, 4803.
 fellow-servant rule abolished, 4804.
 contributory negligence no bar to recovery, when, 4805.
 contracts to avoid liability void, 4806.
 time for bringing action limited, 4807.
hours of labor, 4668.
hours of service limited, 4668.
penalty, 4669.
full crew act,
 number of men on train required, 4666.
 penalty, 4667.
flagman, when to be employed at crossing, 4693.
employees as peace officers, 4810.
neglect of duty, misdemeanor, 9781.
intoxication of engineer or conductor, misdemeanor, 9780.

§ 9. Wrecks.

railroad to report, 4649.
railroad company to make examination and report, 4650.
penalty for violation of article, 4651.

§ 10. Fires.

liability for damages from fire, 4654.

§ 11. Highways and crossings.

construction of drains across railway right of way, 2481.
duty of railroad company where highways are laid out across railroad, 1934.
construction of culvert by railroads over highways, requisites of, 2622.
temporary ways to be furnished while highway is being changed, 4639.
bridges to be kept in good repair, 4640.
duties of, to restore and maintain highways in former state, 4621.
 — to maintain clear passage over highway, 4622.
sufficient crossings to be maintained, 4645, 4686.
how constructed, 4687.
penalty, 4645, 4688.
blocking or obstructing of crossings, unlawful, 10048.
 — exception, 10049.
proceedings to compel installation of safety devices, 4689-4690.
flagman to be maintained at crossings, 4693.

INDEX.

(References are to sections.)

RAILROADS — (continued).

- signs to be maintained on crossings, 4641.
- bells and whistles to be maintained and sounded, 4642.
- trains to stop before crossing other railroads, 4643.
- failure to ring bell at, how punished, 9779.
- § 12. *Fences.*
 - required to build, when, 4647.
 - notice for owner to build fences, 4647.
 - liability of railroad company for failure to fence, 4648.
- § 13. *Cattle guards.*
 - to be constructed, 4655.
 - requisites of, 4655.
- § 14. *Rolling stock.*
 - as fixtures; subject to mortgage, 4623.
 - size of, regulated with reference to clearance of obstructions, 4699.
 - caboose cars,
 - applicability of act relative to caboose cars, 4670.
 - when to take effect, 4671.
 - size and construction of caboose cars, 4671.
 - repairs to caboose cars, how made, 4672.
 - extension of time for compliance with act, 4673.
 - penalty, 4674.
 - headlights,
 - application of article and definition of terms, 4694.
 - when and what headlights to be maintained on locomotives, 4695.
 - penalty, 4696.
 - remedies herein provided, cumulative, 4697.
- § 15. *Clearance.*
 - to whom article applies, 4698.
 - when to take effect, 4699.
 - size of engine, motor and cars regulated, 4699.
 - amount of clearance required, 4700.
 - report of obstruction, how made, 4701.
 - distance between tracks, 4702.
 - obstruction on tracks to be removed, 4703.
 - penalty, 4704.
 - contributory negligence not a defence, when, 4705.
- § 16. *Crimes against.*
 - malicious injury to, 10035.
 - when death results therefrom, 10036.
 - use of, for highway purposes, prohibited, 10046, 10047.
 - misplacing railway switch, coverture no excuse for, 9213.
- § 17. *Railway police.*
 - conductors peace officers, when, 10585.
 - railway companies may appoint police, 10586.
 - powers of, 10587.
 - procedure on arrest, 10588.
 - other peace officers not affected, 10589.
 - no fees, 10589.
 - railway company liable for acts of, 10591.
- § 18. *Power of city.*
 - to regulate the speed of cars, 3599 (21).
 - as to laying of tracks on streets or public places, 3599 (24).
 - to compel railroad companies to construct, 3599 (26).
 - to compel railroad to construct cattle guards, 3599 (26).
 - to require railroads to fence their right of way, 3599 (26).
 - to require railroad companies to keep flagmen at railroad crossings, 3599 (27).
 - to compel railways to raise or lower their tracks, 3599 (27).

INDEX.

(References are to sections.)

RAILROADS — (continued).

- regulations affecting speed of trains in city under commission form of government, 3818 (15).
- regulations of railroad tracks in cities under commission form of government, 3818 (18).
- regulation of street railways in cities under commission form of government, 3818 (18).
- regulations affecting the erection of fences and cattle guards in cities under commission form of government, 3818 (20).
- regulation requiring railroads to establish and keep in repair drains and sewers along their tracks in cities under commission form of government, 3818 (21).
- construction of highways and streets and sewers, railroad tracks in cities under commission form of government, 3818 (63).

§ 19. Sidetracks.

- duty to provide, 3125.

RAM.

- See Animals.

RANGE.

- wilfully driving stock from, 9994.

RAPE.

- defined, 9563.
- when accused is under fourteen, 9564.
- when crime complete, 9565.
- in the first degree defined, 9566.
- in the second degree defined, 9567.
- punishment for the first degree, 9568.
- punishment for the second degree, 9569.
- compelling women to marry, 9570.
- intent to compel marriage, 9571.
- enticement into house of prostitution, 9572.
- detention of women in house of prostitution, 9573.
- abduction for house of prostitution, 9574.
- seduction under promise of marriage, 9575.
- subsequent marriage or offer of, 9576.
- sexual intercourse with female or ward, felony, penalty, 9577.
- committed in riot, punishment of, 9808.

RATES.

- power of cities to regulate rates of public service corporations, 3607-3609. v

RATIFICATION.

- effect of, to validate voidable contracts, 5865, 5866.
- of acts of agent, see Principal and Agent.

REAL PROPERTY.

- See Property, Real.

REASONABLE DOUBT.

- defendant entitled to be acquitted in case of, 10831.

RECALL.

- in cities adopting the commission form of government, 3835.

RECEIPT.

- debtor entitled to, 5814.
- presumption of payment from, 7936.
- to be canceled, when, 10033.
- for property taken from person arrested, 11094.
- issuance of false, by carrier, punishment, 10028, 10031.
- by warehouseman, 10029, 10031.

INDEX.

(References are to sections.)

RECEIVERS.

provisional remedies by appointment of, 7487.
when appointed, 7588.
who may be, 7589.
undertaking by applicants, 7590.
qualifications, 7590.
powers of, 7591.
of insolvent corporation, when appointed, 7993, 8008.
of insolvent banks, to be appointed by state banking board, 5146.
— powers of, 5146.
to be appointed for bank, when, 5188.
of insurance companies, duty to file annual statement, 4918.
of investment companies, when appointed, 5232.
of fraternal beneficiary societies, who may apply for, 5084.
expenses of bond of, how paid, 4906.
in supplementary proceedings, 7783, 7785.
property in possession of, how listed for taxation, 2094.
investment of funds in hands of, when, 7592.
when guilty of embezzlement, 9933.

RECEPTION BOOK.

for entering memorandum of papers required to be deposited in office of county auditor, 3371-3372.
for entering memorandum of papers filed with register of deeds, 3337-3338.

RECORD.

of county court, see Courts, County, § 12.
of county court with increased jurisdiction, see Courts, County Court with Increased Jurisdiction, § 1.
of official bond, see Bonds, Official.

§ 1. *In general.*
in criminal actions to contain what, 10915.
custody of township records, 4197.
to be kept of poisons sold, 9739, 9769.
to be kept of estrays sold, 2665.
offering false instruments for, 9365.
preparing false, when felony, 9384.
forgery of public, 9885.
penalty for alterations of records, 3339.
punishment for destroying, mutilating, etc., of, 9363, 9364.

§ 2. *Of deeds and miscellaneous documents.*
reception book to be kept by register of deeds, 3337, 3338.
places for the keeping of county records to be provided by county commissioners, penalty for neglect, 3292.
transcribing records upon organization of new county, 3211.
what may be recorded, 5546.
in abstract prima facie evidence of title, 5547.
prerequisites to record, 5548.
when proved instrument recorded, 5549.
transfers by way of mortgage, 5550.
variations in spelling, affidavit to cure, 5551, 5552.
registration of farm names, 5553.
— fee, 5554.
— transfer of farm may include registered name, 5555.
— cancellation of registered name, fee, 5556.
mode of recording,
recorded where, fee indorsed, 5557.
when instrument deemed recorded, 5558.
instruments in unorganized counties, where recorded, 5559.

INDEX.

(References are to sections.)

RECORD — (continued).

mode of recording — (continued).

separate books for grants and mortgages, 5560.

duties of register, 5561.

record of transfer of vessels, 5562.

when recording of instruments by recorder of deeds deemed complete, 3339.

effect of,

in general, subsequent purchaser, 5594.

record as constructive notice, 5597.

admissibility of record in evidence without further proof, 5597.

operation of record of assignment, 6742.

priority of number entered upon filing of instruments prima facie evidence of priority of filing, 333d.

formal requisites of instrument to revoke record power to convey, 5596.

unrecorded instruments valid as to whom, 5598.

conveyances to the state to be recorded by secretary of state, 122.

of conveyance by railroad company, 4624.

of declaration of homestead, 5624.

of conveyance in partition action, 8059.

mortgagee entitled to, 6752.

certificate of foreclosure of mortgage by advertisement, 8080.

of certificate of formation of partnership, 6436-6441, 6455-6457.

articles of incorporation, 122.

of organization certificate of banking corporation, 5149.

of proceedings for the organization of cities, 3563.

of patents issued to cities adopting commission form of government, 3781.

of wills admitted to probate, 8648.

§ 3. *Of surveys and plats.*

of county surveyor, 3430.

of surveys of cemetery lots, 5092.

government plats, custodian of, 658a, 658b.

town and city plats, 3965.

§ 4. *Of official acts and proceedings.*

duty of secretary of state to furnish copy of records and instruments filed in his office, 122.

claims against the state filed with state auditor declared public record, 709.

of proceedings for establishment and construction of drains, 2484.

of proceedings of city council, 3624.

of the proceedings of county commissioners, 3271.

of proceedings of board of trustees of state hospital of insane, 1753.

superintendent of public instruction to keep a complete record of all his official acts, 1114.

county superintendent of schools to keep all reports and statements from teachers and school boards, 1128.

of county surveyor, 3430.

of overseer of the poor to be kept, 2511, 2512.

of official acts of sheep inspectors, 2752.

of inspection of live stock, 2757.

certain state officers to keep record of fees and profits received, 638.

REFORM SCHOOL.

method of keeping accounts, see State Institutions.

under management of state board of control, 243.

at Mandan, continuation and use, 11184.

within jurisdiction of Morton county, 11185.

service of process within, who may make, 11186.

temporary provisions for maintenance, 11187.

money for maintenance to be deposited with state treasurer, 11188.

INDEX.

(References are to sections.)

REFORM SCHOOL — (continued).

- record of proceedings, 11189.
- moneys for reform schools, how paid out, 11190.
- governing board,
 - membership and appointment of, 11191.
 - terms of office and vacancies in office of trustees, 11192.
 - qualification of trustees, 11193.
 - sessions of board of trustees; compensation, 11194.
 - president of board, 11195.
 - visiting trustee, duties, 11195.
 - duties of board; inspection of buildings, examination of inmates, 11196.
 - report, contents of, general and special, 11197.
 - records to be open to inspection, 11198.
 - officers must not be interested in contract, 11199.
 - inventory of personal property, 11200.
 - contracts, how executed, 11201.
 - property, how kept, 11201.
 - supplies, how contracted for, 11202.
 - proposals for contracts to be in writing; powers of board as to proposals, 11203.
- superintendent and other officers,
 - officers enumerated, 11275.
 - appointment of superintendent and other officers, 11276.
 - qualification of superintendent and subordinates, 11277.
 - salary of president and employees, 11278.
 - duty of superintendents in general, 11279.
 - as to funds belonging to inmates, 1809.
 - duties of subordinates, 11280.
 - teachers, 11280.
 - fees of officers for transportation of prisoners, 3515.
 - accounting officer, 1807, 1811, 1816.
 - treasurer,
 - duties in general, 1808.
 - bond, 1803.
- commitment to,
 - who may be sent; procedure, 11281.
 - persons sent to reform school deemed minors, when, 11282.
 - conviction before inferior court, 11283.
 - incorrigible child, complaint; procedure, 11284.
 - contents of order of commitment, 11285.
 - execution of order; return; fees, 11286.
 - papers where filed; return of magistrate, 11287.
 - discharge for good conduct, 11288.
 - refractory inmates, 11289.
 - penalty for aiding inmates to escape, 11289.
 - pay of trustees suspended, when, 11290.
- parole from,
 - parole permitted, 11291.
 - parole allowed, when, 11292.
 - recommitment, 11293.
 - fees, 11294.
- inmates,
 - care and custody of funds belonging to, 1809.
 - status of, 11295.
 - procedure for transfer of insane inmates, 11296, 11297.
- decease of inmates,
 - inquest to be held, 11298.
 - to be open to all persons, 11299.
 - who may be required to testify, 11300.

INDEX.

(References are to sections.)

REFORM SCHOOL — (continued).

- decease of inmates — (continued).
- return of inquest; burial of body, 11301.
- expenses of inquest, how paid, 11302.
- effects of deceased; sale of and disposition of proceeds, 11303.

RECRIMINATION.

- as bar to divorce, defined, 4387, 4393.

REDEMPTION.

- from tax sales, see Taxes, § 23.
- from execution sale, see Execution, § 9.
- of corporate stock sold for delinquent assessment, 4586.
- of corporate franchise by corporation, 4593.
- from lien, 6717-6719.
- after foreclosure of mortgage by advertisement, 8085, 8086.
- after foreclosure of mortgage by action, 8115.
- protection of purchaser for expenditures made during period of redemption, 8117.
- protection of redemptioner against expenditures, 8118.

RE-ENTRY, RIGHT OF.

- after termination of estate at will, 5327.
- notice required, when, 5328.
- action without notice, 5329.
- not transferable, 5492.

REFEREE.

- trial by referee, see Trial.
- to assess damages in injunction cases, 7532.
- appointment of referee in water suits, when, 8267.
- to partition real property, 8037.
- election contest may be tried before, 1052.
- for taking affidavit for motion, 7943.
- in supplementary proceedings, 7786.
- power to appoint referees to examine the final accounts of executors and administrators, 8836.
- schedule of fees authorized to be charged, 3528.
- procedure to punish contempt before referee, 8199.
- misconduct of, what is, 9342.
- receiving bribe, punishment, 9341.
- accepting gifts, misdemeanor, 9343.

REFERENDUM.

- in cities adopting commission form of government, 3837.

REGISTER OF DEEDS.

§ 1. In general.

- election, 3257.
- bond, amount of, 663.
- salary, 3508.
- jury duty, exempt from, 814.
- liability of, for acts of deputy, 701.
- removal by governor, 685.
- forfeiture of salary for failure to perform certain duties, 3355.
- deeds not recorded until taxes paid, penalty, 2212.
- failure to perform duties of office, guilty of misdemeanor, 9830.
- penalty for alteration of records, 3339.

§ 2. Deputy.

- appointment authorized, 701.
- bond, 701.
- oath, indorsement on bond, 701.
- qualifications, 704, 705.

INDEX.

(References are to sections.)

REGISTER OF DEEDS — (continued).

- salary, 3537.
- compensation, 3510.
- § 3. *Powers of.*
 - to take acknowledgments within limits of his district, 5564.
 - to administer oaths, 833.
 - to certify to abstracts of title, 3096.
- § 4. *Duties.*
 - as to the recording of instruments, enumerated, 3330.
 - to prepare numerical index of deeds, mortgages and other instruments relating to the title of real property, 3332.
 - to prepare a separate index for deeds and other instruments relating to real property and indexes for mortgages and other liens, 3333.
 - to prepare grantor and grantee indexes of the deeds, mortgages and other instruments of record in his office affecting title to real property, 3334.
 - to prepare and keep separate indexes of deeds and liens, 3335.
 - as to numbering documents in the order in which they are filed, 3336.
 - as to numbering instruments received through the mail for filing, 3336.
 - to keep a reception book in which a memorandum of all papers filed shall be entered, 3337, 3338.
 - in respect to registration of instruments, 5556.
 - to provide a seal and attach it to his official signature, 3331.
 - as to inheritance taxes, 8998.
 - in attachment, 7547-7565.
 - as to filing and cancellation of chattel mortgages, 6764, 6765.
 - as to lien of farm laborers, 6859.
 - as to liens filed, 6879.
 - upon foreclosure of mortgage by advertisement, 8085-8097.
 - to record trade mark of manufacturer of beverages, 2922.
 - to record patents issued by governor, 324.
 - to mark records of town and city plats that have been vacated, 3965.
 - as to filing and recording of proceedings for the organization of cities, 3563.
 - duties as to fees,
 - to keep a schedule of fee bill posted, penalty, 3549.
 - to keep a record book of all fees collected, 3509.
 - to report monthly to county auditor amount of fees collected, 3509.
 - to indorse fee on instrument recorded, 5557.
- § 5. *Fees.*
 - schedule of fees authorized to collect, 3511.
 - for inspection of estray register, 3541.
 - for entering certified copy of report of appraisers in matters of estrays, 3541.
 - for recording town and city plats, 3949.
 - for recording mine location, 2458.
 - right to require fees to be paid in advance or security given, 3548.

REGISTRATION.

- of voters, see Elections, § 4.
- as to marks and brands of animals, see Animals, § 2.
- of animals, wrongful, 9722.
- of farm names, 5553-5556.

RE-INSURANCE.

See Insurance.

RELATIVE.

- what force may be used in protection of, 4356.
- marriages between what, prohibited, 4359.
- of the one-half blood take by succession, when, 5752.
- sister, orphan, seduction of, forbidden, 4355.

INDEX.

(References are to sections.)

RELEASE.

- as extinguishment of obligation, 5833-5835.
- of interest by one joint owner of cemetery lot, 5098.

RELIEF.

- rescission of contracts, see Contracts, § 11.
- preventive relief, see Injunction.
- compensatory relief, see Damages.
- specific performance of obligations, see Specific Performance.
- specific relief, see Specific Relief.
- preventive relief, see Preventive Relief.
- cancellation of instruments, see Cancellation of Instruments.
- compensation as the relief or remedy provided by law, 7137.

RELIGIOUS BELIEF.

- preventing acts enjoined by, as misdemeanor, 9246, 9249.
- compelling form of, as misdemeanor, 9245.
- attempt to compel form of, limitation of time for prosecution for, 9249.
- religious preference of child adopted from juvenile court, 11119.

RELIGIOUS CORPORATIONS.

- how officered, 4536.
- how formed, 5005.
- annual report, 5006.
- may acquire and sell property, 5007.
- mode of transferring cemetery lots, 5008.
- provisions of by-laws, 5009.
- subsequent members, rights of, 5010.
- membership rights, personal, 5011.
- property vests in successors in trust, 5012.
- real estate holdings limited, 4503.

RELIGIOUS MEETING.

- disturbance of, as misdemeanor, 9247.
- acts deemed to be disturbance of, 9248.
- disturbance of, time limited for prosecution for, 9249.

RELIGIOUS PROPERTY.

- exempt from taxation, 2079.

REMAINDERS.

- See Property, § 6.
- defined, 5312.
- when void, 5318-5323.

REMEDY.

- for every wrong, 7257.
- classified, 7327.
- civil and criminal not merged, 7335.
- civil, not affected, when, 10377.
- compensation as the remedy for violation of private rights, 7137.

RENOVATED BUTTER.

- See Dairy Products.

RENTS.

- See Landlord and Tenant.

REPAIR.

- lessor to make on building, 6090.
- when lessee may make, 6091.

INDEX.

(References are to sections.)

REPAIR — (continued).

- letter of personalty must, when, 6100.
- hirer must make, when, 6083.
- hirer of personalty may make, when, 6102.
- borrower for use, to make, 6055.

REPEAL.

- effect of repeal of statute, 7316.
- of repealing statute does not revive, 7315.
- by code of civil procedure, effect of, 7327.
- of laws inconsistent with that establishing state board of control, 282a.

REPLEVIN.

- See Claim and Delivery.

REPLY.

- See Pleading, § 5.

REPORTER OF SUPREME COURT.

- See Courts, Supreme, § 6.

REPORTS.

- of supreme court, see Courts, Supreme, § 5.
- as to printing of reports of state officers, see Public Printing.
- as to publication of reports, see Publication.

§ 1. In general.

- time for officers and boards to make reports when no other time is specified, 94.
- time for officers and private corporations to make official report when no other time is specified, 94.
- time for making reports to governor and legislative assembly, 95.
- of state boards, to contain list of employees and their salary, 633.
- of state institutions, to contain list of employees and their salary, 633.
- of state officers, period covered by, 632.
- monthly report of state officers as to amount of fees received, 638.
- of appraisers of homestead, 5615.
- of referee in partition action, 8034.
- of obstruction on railroad tracks, how made, 4701.
- penalty for failure of officers and public boards to make reports required by law, 636.
- neglect of officers to make, prosecution by attorney general, 637.

§ 2. Of state officers.

- secretary of state to governor, 122.
- state auditor to governor, 132.
- attorney general to governor, 158.
- state treasurer to governor, 143, 147.
- state treasurer to state auditor, 143.
- state treasurer, to board of university and school lands, 291.
- fire marshal to governor, 221.
- state examiner to governor, 232.
- state engineer to governor, 8243.
- adjutant general to governor as to acquisition and disposition of military property, 2360.
- superintendent of public health to governor, 402.
- superintendent of public instruction to governor, 1116.
- commissioner of insurance to governor, 172.
- inspector of nursery stock to governor, 2834.
- state oil inspector to governor as to inspection of coal, 3089.
- deputy inspector of oils to inspector and state auditor, 3071.
- railroad commissioners to governor, 587, 4748.
- land commissioners to legislative assembly, 299.
- commissioner of agriculture and labor to legislative assembly, 170.
- of dairy commissioner to commissioner of agriculture, 2847.

INDEX.

(References are to sections.)

REPORTS — (continued).

§ 3. *Of state boards, officers of institutions, etc.*

- miscellaneous boards and officers,
 - state banking board, 5146.
 - board of trustees of public property, 377.
 - game and fish board of control, 10266.
 - state institutions to governor showing monthly expenditures and contract for future expenditures, 1823.
 - inventory of state property at state institutions to be transmitted to governor, 1827.
 - officers of North Dakota fire association as to disposition of state appropriation, 1840.
 - White Stone Hills battlefield commission, 392.
 - executive committee state fair association, 1853.
 - sheep inspectors to county commissioners, 2746.
 - state live stock sanitary board, 2693.
- state board of control,
 - general statement, 244.
 - to governor, 253.
 - biennial report to governor, 247.
 - biennial estimate for special appropriations, 250.
 - biennial report to legislature, 267.
 - monthly reports of steward, clerk or other officer of state board of control, 274.
- educational boards and institutions,
 - board of trustees of university, 1547.
 - trustees of university as to biological survey, 1567.
 - board of trustees of agricultural college, 1615.
 - trustees of agricultural college relative to agricultural survey, 1669.
 - faculty of agricultural college, 1614.
 - agricultural college experiment station as to pure seeds, 2910.
 - experimental station as to analysis of drugs, 2951.
 - normal board of control, 1593.
 - annual report of experiment station under pure food law, 2887.
 - president of normal schools, 1592.
 - board of trustees of state normal and industrial schools at Ellendale, 1737.
 - faculty of state normal and industrial school at Ellendale, 1737.
 - high school inspector, 1438.
 - directors of state school of forestry, 1679.
 - state library commission, 1536.
 - state historical society, 382.
 - geological survey, 1567.
 - board of teachers' insurance and retirement fund, 1502.
- of charitable institutions,
 - board of trustees of school for deaf and dumb, 1694.
 - trustees of blind asylum, 1705.
 - officers of institution for feeble minded, 1721.
 - board of trustees of state hospital for the insane, 1753.
 - superintendent of state's tuberculosis sanitarium, 2586.
 - board of visitors for asylums and poor farms, 2542.
 - trustees of soldier's home, 1781.
- of penal institutions and boards,
 - trustees of penitentiary and reform school, 11197.
 - state board of pardon to legislature, 11099.
- of licensing boards,
 - state board of dental examiners, 508.
 - state board of pharmacy, 494.
 - state board of examiners in optometry, 534.
 - state board of embalmers, 548.
 - barbers' examining board, 562.

INDEX.

(References are to sections.)

REPORTS — (continued).

§ 4. *Of county officers and boards.*

county treasurer to furnish state auditor monthly statement of taxes collected, 3254.
county treasurer to township clerk stating the amount of township money on hand, 3346.
county auditor and treasurer to make annual statement of receipt and disbursement of county funds; publication, 3365.
state's attorney to attorney general of all proceedings instituted or pending wherein the state is interested, 3376.
county superintendent of highways, 1990j.
county superintendent of public health, 405.
county superintendent of instruction to board of teachers' insurance and retirement fund, 1511-1512.
county board of appraisers, 300.
report of register of deeds to county auditor as to amount of fees collected, 3509.
clerk of district court to county auditor showing amounts of fees collected, 3495.

§ 5. *Of township officers.*

township supervisors as to labor on highway, 1978.
overseer of the poor to county commissioners, 2521, 2524.
road supervisor, 1975.
road overseers, what to contain, 2032.
commissioner of noxious weeds, 629.
justices of the peace, 9182-9186.

§ 6. *Of officers of cities, districts, etc.*

city treasurer to city council of receipts and expenditures, 3637.
commissioner of public health of city to state board of health, 3826.
city auditor to city council, 3625.
report of state auditor regarding fire department in cities, towns and villages, 3093.
school district treasurer's annual report, 1218.

§ 7. *Of corporations.*

annual report of corporations, 4518.
banking corporations, 5167.
directors of bank, 5182.
trust companies, 5218.
investment companies, 5230.
building and loan associations, 5134.
railroad companies, 4630.
common carriers as to conditions of bridges and ferries, 4752.
common carrier by railroad commissioners, 4762.
bridge company to county commissioners, 5003.
annual report of mining and manufacturing corporations, 4985.
insurance companies to commissioner of insurance, 4915-4917.
life insurance companies, what to contain, 4931.
domestic life insurance company as to securities, 4846.
sickness and accident insurance companies, 4973.
fraternal beneficiary associations, 5047.
fire insurance companies to report losses to fire marshal's department, 211.
annual report of county mutual insurance company, 4949.
co-operative association, 4609.
live stock association, 2786.
county live stock protective association, 2789.
corporation maintaining home for orphans, 5103.
trusts or directors of religious, educational, benevolent, charitable and scientific corporations, 5006.

§ 8. *Of various industries.*

inspection of oils, 3071.
elevators and warehouses, 3135-3137.
persons operating coal mines, 3083.
owners of stock affected with contagious disease, 2694.

INDEX.

(References are to sections.)

REPORTS — (continued).

- proprietor of dairy product factory, 2849.
- cream station, 2846.
- food products in storage, 3152.

REPRIEVE.

- See Pardon.
- of execution of judgment of death, by governor only, 10971.

REQUISITION.

- See Fugitives from Justice.

RES ADJUDICATA.

- prosecution, recovery or acquittal for violation of city ordinance, when not, 3602.
- See generally Judgments.

RESCISSION.

- of contracts, see Contracts, § 11.
- of ratification, in agency, see Principal and Agent.

RESCUE.

- aiding in, during insurrection, 9397.
- of persons from custody, punishment for, 9348.
- retaking goods from custody, misdemeanor, 9349.

RESIDENCE.

- rules for determining, 14.
- how changed, 14.
- for obtaining benefit of poor law, 2500, 2501.
- legal residence of poor to be ascertained, 2510.
- when legal residence of poor is uncertain, procedure, 2514.
- poor person may be conveyed to, 2515.
- power of parent to change, 4438.
- time of, required for divorce, 4398.

RESIGNATION.

- of public officer, manner of making; to whom made, 684.

RESIN.

- power of cities to regulate and prevent the storage of, 3599 (50).
- power of cities under commission form of government to regulate and prevent the storage of, 3818 (45).

RESISTANCE.

- to commission of crime, when lawful, 10403-10405.
- officer fearing, may command assistance, 10428.
- of order for riot to disperse, 10439.
- on arrest, use of force to overcome, 10565.

RESPONDENTIA.

- defined, 6809.
- owner may hypothecate, 6810.
- master may, when, 6811.
- application of other sections, 6812.
- owner of ship must repay owner of cargo, when, 6813.

RESTAURANT.

- sanitation of, see Food, § 2.
- guests at, to be apprised of use of oleomargarine, 2863.
- inspection of, by game warden, 10276.

INDEX.

(References are to sections.)

RETRACTION.

of libel, 9562.

RETROACTIVE.

political code not, unless so declared, 4318.
code of civil procedure not, exception, 7320, 7322.
probate code not, 8509.
penal code not, 9194, 10333.
code of criminal procedure not, 11173.

REVENUE.

obstructing collection of, misdemeanor, 9834.

REVERSION.

defined, 5311.
of railway right of way to state, when, 4616.

REVIEW.

rehearing of the facts involved in a decree or order of the county court, 8594-8597.
See also Appeal.

REVOCAION.

of wills, 5650.
of gift, when, 5540.
gifts in view of death, allowed, 5543.
of proposal of contracts, 5863, 5864.
contract on negotiable instruments revocable until delivery, 6901.
of continued guarantee, when authorized, 6667.
of trust for benefit of third person, 6312.
of power, when only, 5396.
power of, in grant, effect of, 5426.
of reserved power to revoke by subsequent grant, 5601, 5602.
abandonment of vessel not revocable, 6605.
of certificate of foreign building association, 5140.
of power to sell real property to be recorded, 5596.

REVOLVING FUND.

for state prison, see Penitentiary, § 9.

REWARD.

power of governor to offer reward for escaped convict, 111.
for finder, 6043.
in case of injury to farm buildings, 10087.
for violation of game and fish law, 10286.
for return of fugitive from justice, 11150.
for prisoner escaping from penitentiary, 11228.
delaying public duties for, misdemeanor, 9308.

RIGHT OF WAY.

for drains, see Drains, § 2.
as an easement, 5330, 5331.
for electric railway, 5145.

RIGHTS.

civil, classification of, 4332.
loss or waiver of civil, 4333.
personal, what are, 4350.
personal rights not to be injuriously used, 7249.

INDEX.

(References are to sections.)

RIGHTS — (continued).

- persons of unsound mind cannot waive, 4345.
- necessary force may be used to protect personal, 4356.
- offenses against personal relationship, 4355.
- transferability of, arising out of obligations, 5783.
- contracts restricting enforcement of, void, 5927.
- of members of religious, etc., corporations, personal, 5011.

RIOT.

- defined, 9807.
- punishment for, 9808.
- misdeemeanor, 9811.
- power of cities to prevent and suppress, 3599 (54).
- suppression,
 - officer may command assistance, 10428.
 - officer must report resisters, 10429.
 - person commanded refusing to assist, how punished, 10430.
 - governor may order additional officers, 10431.
 - may ask aid of the United States, 10432.
 - unlawful assembly, 10433.
 - procedure if rioters do not disperse, 10434.
 - who deemed rioters, 10435.
 - negligence of officers, misdemeanor, 10436.
 - when officers may disperse assembly, 10437.
 - endeavors to be made before endangering life, 10438.
 - penalty for resisting, 10439.

RIPARIAN ACCRETIONS.

- ownership of, 5473.

RISKS, INSURABLE.

- See Insurance.

ROAD COMPANIES.

- See Highways, §§ 17, 18.

ROAD MACHINERY.

- power of township supervisors to acquire and dispose of, 4194.

ROAD OVERSEER.

- in townships, see Townships, § 12.
- See Highways, § 8.

ROADS.

- See Highways.

ROAD SUPERVISORS.

- See Highways, § 9.

ROBBERY.

- defined, 9521.
- when force of fear employed, 9522.
- degree of force immaterial, 9523.
- what fear necessary, 9524.
- value of property taken immaterial, 9525.
- taking secretly not robbery, 9526.
- degrees of robbery defined, 9527.

INDEX.

(References are to sections.)

ROBBERY — (continued).

- in first degree, punishment, 9528.
- in second degree, punishment, 9529.
- by two or more persons conjointly, 9530.
- jurisdiction of, 10509.
- committed in riot, punishment of, 9808.

ROMAN CANDLES.

See Fireworks.

ROUT.

defined, 9809.

RUM.

defined, 10157.

RUNNING AT LARGE.

of animals, see Animals, § 7.

RURAL SCHOOLS.

state aid for, see Schools and School Districts, § 25.

RUSSIAN CACTUS.

as noxious weed, 2817.

RUSSIAN PIGWEED.

as noxious weed, 2900.

RUSSIAN THISTLE.

as noxious weed, 2900.

RYE.

weight of bushel of, 3006.
rate of taxation of, 2256.

SABBATH BREAKING.

See Sunday.

defined, 9233.

prohibited, 9232, 9233.

“day” defined, 9234.

acts of, enumerated, 9235.

acts not constituting, 9236.

sports prohibited on, enumerated, 9238.

trades and employment prohibited, 9239.

sale of commodities on, prohibited, 9240.

service of process on, prohibited, 9241.

theaters to be closed on, 9231.

barbering on Sunday prohibited, 567.

observance of other day than Sunday as defense to, 9237.

how punished, 9242.

finer for, how collected, 9243.

prosecution for, time limited, 9249.

SACCHARIC ACID.

use of, in foods as adulteration, 2880.

SAFE DEPOSIT COMPANIES.

See Trust Companies.

INDEX.

(References are to sections.)

SALARIES AND COMPENSATION.

§ 1. Of state officers and boards.

- of state officers payable monthly, **655.**
- of governor, 117.
- of lieutenant-governor, 119.
- of secretary of state, 130.
- of state auditor, 140.
- of deputy state auditor, **141.**
- of state treasurer, 154.
- of deputy state treasurer, **155.**
- of attorney-general, 159.
- of assistant attorney-general, 161.
- of commissioner of insurance, 174.
- of deputies and clerks of hail insurance department, **174.**
- of official adjuster of hail insurance, 181.
- additional compensation, 174.
- of fire marshal, 213.
- of chief assistant fire marshal, 213.
- of commissioner of agriculture and labor, 171.
- of state examiner, 234.
- of deputy state examiner, 234.
- of special state examiner, 233.
- of members of state banking board, 5146.
- of deputy examiners of banks, 5146.
- of stenographer of state banking board, 5146.
- of state architect, 257.
- of state engineer, 8239.
- for work on highways, 1984.
- of superintendent of public instruction, 1120.
- of temperance commissioner, 611.
- of deputy temperance commissioner, 616.
- of clerk of temperance commissioner, 611.
- of special enforcement sheriff, 616.
- of water commissioners, 8279.
- of water masters, 8233.
- of state seed commissioner, 2905.
- of superior grain and warehouse commission, 3162, 3163.
- of adjutant-general, 2360.
- of executive agent of state board of immigration, 576.
- of tax commissioner, 2084.
- of secretary of tax commission, 2085.
- of assistants of tax commission, 2086.
- of commissioners of railroads, 582.
- of secretary of board of railroad commissioners, 582.
- of attorney appointed to assist in proceedings to enforce decree of railroad commissioners, 4733.
- of legislative officers and employees, amount, 34.
- of clerks of legislative assembly, 34.
- of state library commission, 1533.
- of secretary of Panama exposition commission, 631c.
- of game and fish board of control, 10264.
- of members of state live stock sanitary board, 2681.
- of executive officer of state live stock sanitary board, **2683.**
- of stallion registration board, 2764.
- of oil inspector, 3057.
- of inspector of nursery stock, 2833.
- of hotel inspector, 2986.
- of members of board of control, 236.

INDEX.

(References are to sections.)

SALARIES AND COMPENSATION — (continued).

- of secretary of state board of control, 238.
 - of state land commissioner, 297.
 - of White Stone Hills battlefield commission, 389.
 - of state superintendent of health, 401.
 - of officers of state board of health, 401.
 - of deputy registrar of vital statistics, 435.
 - of state board of pharmacy, 493.
 - of president, secretary and treasurer of state board of pharmacy, 479.
 - of state board of dental examiners, 508.
 - of state board of embalmers, 545.
 - of state board of examiners in optometry, 526.
 - of barbers' examining board, 559.
 - of board of law examiners, 787.
 - of secretary of board of bar examiners, 786.
 - of members of state board of pardons, 11108.
 - of board of experts on parole prisoners, 10943-10949.
 - of board of medical examiners for sterilization, 11430.
 - of trustees of penitentiary and reform school, 11194.
 - of superintendent of state reform school, 11278.
 - of warden of penitentiary, 11206.
 - of chaplain of penitentiary, 11211.
 - of prisoners in penitentiary, 11264.
 - to inmates of penitentiary in twine plant, 11254.
 - of trustees of state hospital for the insane, 1749.
 - of superintendent of state hospital for the insane, 1755.
 - of assistant superintendent of state hospital for the insane, 1755.
 - of steward of state hospital for the insane, 1755.
 - of matron of state hospital for the insane, 1755.
 - of assistant physician of state hospital for the insane, 1755.
 - of woman visitor to insane asylum, 246.
 - of trustees of blind asylum, 1702.
 - of board of trustees of institution for feeble minded, 1722.
 - of trustees of soldiers' home, 1779.
 - of commandant of soldiers' home, 1782.
 - of directors of farmers' state institute, 1879.
 - of employees of state institutions, 270.
- § 2. *Of county officers and boards.*
- of county commissioners, 3533.
 - of county treasurer, 3512.
 - of deputy county treasurer, 3513, 3537.
 - of clerk of county treasurer, 3513.
 - of county auditor, 3506.
 - of deputy county auditor, 3507, 3537.
 - of clerks of county auditor, 3507.
 - of register of deeds, 3508.
 - of deputy register of deeds, 3510, 3537.
 - of county surveyor, 1950.
 - of state's attorney, 3492.
 - not to be diminished during the term of office, 3493.
 - of assistant state's attorney, 3492.
 - of special counsel appointed to assist state's attorney, 3381.
 - of clerk of state's attorney, 3492.
 - of counsel assigned to defend criminal prosecutions in county court, 8965.
 - sheriff, 3520.
 - for executing orders of the county court, 8523.
 - for proceedings under pure food law, 2888.
 - of deputy sheriff, 3523.

INDEX.

(References are to sections.)

SALARIES AND COMPENSATION — (continued).

- of public administrator, 3441.
- of county superintendent of highways, 1990a.
- of officers of county boards of health, 409.
- of commissioners of insanity, 2565.
- of overseer of the poor, 2523.
- of board of visitors for asylums and poor farms, 2541.
- of sheep inspectors, 2746, 2749.
- of weighmaster, 3020.
- § 3. *Of city officers.*
 - of certain city officers not to be diminished during term of office, 3622.
 - officers in cities adopting commission form of government, how fixed, 3802.
 - mayor, 3620.
 - alderman, 3621.
 - commissioners in city adopting commission form of government, 3790.
 - treasurer, 3631, 4048.
 - city engineer, 3663.
 - of city health officers, 412.
 - commissioner of public health in cities under commission form of government, 3822.
 - police magistrate, 3622.
 - for revising city ordinances, 3578.
 - city attorney in revising city ordinances, 3578.
 - city park commissioners, 4058.
 - members of city special assessment commission, 3724.
- § 4. *Of village officers.*
 - in general, 3895.
 - board of park commissioners in villages, 4067.
- § 5. *Of township officers.*
 - provisions for increasing or reducing compensation of township officers, 4221.
 - of township clerk, 4220.
 - of township supervisors, 4220.
 - of treasurer of township for receiving and paying out township funds, 4206.
 - of drain commissioners, 2489, 2490.
 - of forest fire wardens, 4293.
 - of commissioner of noxious weeds, 624.
 - of person appointed to kill gophers, 2871.
- § 6. *Of judicial officers, clerks, etc.*
 - of members and officers of court of impeachment, 10466.
 - of supreme court judges, 719.
 - of clerk of supreme court, 727.
 - of reporter of supreme court, 737.
 - of judges of the district courts, 772.
 - when not to be paid, 7638.
 - of clerk of district court, 3494.
 - when acting as clerk of county court with increased jurisdiction, 8970.
 - of deputy clerk of the district court, 3496.
 - of bailiff of district court, 3550.
 - of stenographers of district court, 780, 781.
 - of county judge, 3500.
 - of clerk of county judge, 3501.
 - of deputy county judge, 3501.
 - of judge of county court with increased jurisdiction, 8973.
 - of clerk of county court with increased jurisdiction, 8970.
 - of bailiff of county courts of increased jurisdiction, 8941.
- § 7. *Of school officers.*
 - of superintendent of public instruction, 1120.
 - county superintendent of schools, 1137.
 - deputy county superintendent of schools, 1136.

INDEX.

(References are to sections.)

SALARIES AND COMPENSATION— (continued).

- of members of state board of education, 1425, 1436.
 - high school inspector, 1433.
 - inspector of rural and graded schools, 1444.
 - members of school board,
 - in common school districts, 1162.
 - in independent school district, 1294.
 - in special school districts, 1246.
 - treasurer of school district,
 - in common school district, 1172.
 - in special school district, 1248.
 - clerk of school board,
 - in common school district, 1164.
 - in independent school district, 1296.
 - in special school district, 1248.
 - minimum salary of school teachers, 1178.
 - of members of board of teachers insurance and retirement fund, 1500.
 - of trustees of university, 1555.
 - of members of the faculty of university, 1557.
 - of members of state of normal board of control, 1586.
 - of secretary of normal board of control, 1585.
 - of trustees of state normal and industrial school at Ellendale, 1728.
 - secretary of state normal and industrial school at Ellendale, 1728.
 - of board of trustees of agricultural college, 1608.
 - of board of trustees of agricultural training school, 1459.
 - of board of trustees of academy of science, 1601.
 - teachers of academy of science, 1601.
 - employees of academy of science, 1601.
 - of board of directors of state school of forestry, 1677.
- § 8. *Of Assessors.*
- for making reassessment, 2090.
 - for collecting statistics, 1906.
 - of district assessor, 2125.
 - of township assessors, 2125, 4219.
 - of village assessors, 3871.
- § 9. *For military service.*
- for ordinary services, 2417.
 - when aiding civil authorities, 2418.
 - officers and special men assigned to special military duty, 2421.
 - of adjutant-general, 2360a.
 - of members of military board, 2432b.
- § 10. *Miscellaneous.*
- of election officers, 1008.
 - of members of board of register, 1100.
 - of road commissioners, how paid, 1972.
 - of overseers of highways, 2027.
 - for work on road, 2012-2015.
 - of policemen in unorganized towns and villages, 3912.
 - of commissioners of conciliation in justice's court, 9191.
 - of members of board of contest of presidential electors, 1069.
 - of directors of free library, 4008.
 - of trustee, 6309.
 - of trust companies for performance of trusts, 5215.
 - of assignee in insolvency proceedings, 8397.
 - of executors and administrators, 8821, 8822.
 - of guardian, 8898.
 - of appraisers of inheritance tax, 8901.

INDEX.

(References are to sections.)

SALARIES AND COMPENSATION — (continued).

- of appraisers of estates of deceased persons, 8720.
- of officers of life insurance companies restricted, 4860.
- of managing owner of vessel, 6182.
- of gratuitous employee, 6183.
- for the service of process of a county court of increased jurisdiction, 8942.

SALE.

- as to specific performance of contract of sale, see Specific Performance.
 - on execution, see Execution, § 7.
 - measure of damages for breach of warranty, see Damages, § 5.
 - measure of damages for breach of contract of sale, see Damages, § 5.
 - of pledge, see Pledge.
 - for non-payment of taxes, see Taxes, § 22.
 - of property of decedent, see Executors and Administrators, § 7.
 - of property of ward, see Guardian and Ward, § 9.
- § 1. *In general.*
- defined, 5950.
 - term construed, 7313.
 - what may be sold, 5951, 5956.
 - when title passes, 5535-5537.
 - of chattels, required to be in writing, when, 5888.
 - power of corporation to make, and how, 4533.
 - by agent having possession, 5537.
 - of stock corporation for delinquent assessment, 4579-4583.
 - of personal property for unpaid taxes, 2166.
 - under tax judgment, how conducted, 2319.
 - when delivery of grain to warehouse is not, 3114.
 - stoppage in transit is not rescission of, 6885.
 - in chattel mortgage foreclosure, 8127.
 - method for estimating the value of property to the seller, 7177.
 - methods of estimating the value of property to a buyer deprived of its possession, 7178.
 - waiver of cause of action arising out of sale of personal property prohibited, 6002.
 - by finder of property found, 6045, 6046.
 - of trespassing animals, 8506.
 - of deposit when perishing, 6023.
 - regulations affecting sales upon street, sidewalks, and public places in villages, 3861 (11).
 - regulations of sales upon streets, sidewalks and public places in cities under commission form of government, 3818 (14).
 - regulation for the proper use of weights and measures by vendors in cities under commission form of government, 3818 (34).
 - powers of the city to regulate traffic and sales upon streets, sidewalks and public grounds, 3599 (20).
- § 2. *Agreements for.*
- agreements classified, 5952.
 - agreement to sell defined, 5953.
 - agreement to buy defined, 5954.
 - agreement to sell and buy defined, 5955.
 - what may be sold, 5956.
 - duty of seller of realty,
 - to execute conveyance, 5957.
 - to give usual covenants, 5958.
 - form of covenants, 5959.
 - covenant of warranty not broken by existence of right of way, 5960.
 - statute of frauds,
 - personal property, 5961.
 - exceptions, agreement to manufacture, 5962.

INDEX.

(References are to sections.)

SALE — (continued).

statute of frauds — (continued).

agreement for sale of realty to be in writing, 5963.

form of contract for transfer of realty, 5964.

§ 3. *By auction.*

auction defined, 5995.

when complete, 5996.

withdrawal of bid, 5997.

printed conditions governed, 5998.

sale without reserve, rights of bidder, 5999.

employment of bidder in, as fraud, 6000.

auctioneer's entry binding, 6001.

§ 4. *Delivery of personal property.*

delivery within reasonable time after demand, 5967.

where deliverable, 5968.

risk of transportation on whom, 5969.

notice of option as to time, place or manner of delivery, 5970.

buyer's direction governing sending, 5971.

delivery to be within reasonable hours, 5972.

§ 5. *Warranty of personal property.*

warranty defined, 5973.

warranty not implied from mere sale, 5974.

sale of personalty warrants title, 5975.

bulk to be equal to sample, 5976.

buyer relying on seller's judgment, effect of, 5977.

warranty as to things not in existence, 5978.

warranty of freedom from latent defects, 5979.

warranty of fitness for purpose, when, 5980.

warranty of things inaccessible, 5981.

warranty of genuineness of trade-mark, 5982.

warranty of truth of marks of quality or quantity, 5983.

warranty of validity of instrument, 5984.

warranty of soundness and wholesomeness of provisions, 5985.

warranty in respect to good will of business, 5986.

warranty upon judicial sale, 5987.

§ 6. *Rights and obligations of buyer.*

right to inspection, 5990.

written warranty, reasonable time to inspect, 5991.

notice of breach of warranty, how and to whom given, 5992, 5993.

rescission for breach of warranty, 5994.

of corporate franchise, rights of purchaser at sale, 4590, 4591.

§ 7. *Rights and obligations of seller.*

seller of personalty to act as depository until removal, 5965.

seller may rescind when, 5966.

§ 8. *In violation of penal code.*

of unmarked rubber tires and casings prohibited, 9975, 9976.

of commodities on Sunday, prohibited, 9240.

of obscene literature to children, prohibited, 9652-9655.

of fish restricted, 10302.

as used in game and fish law, defined, 10275.

SALES AND ASSIGNMENT.

fraud to sell entire stock of goods, when, 7224.

parties to whom chapter applies, 7225.

accountability of purchaser not conforming to provisions of chapter, 7226.

purchaser conforming hereto protected, 7227.

INDEX.

(References are to sections.)

SALES, CONDITIONAL.

See Conditional Sales.

SALICYLIC ACID.

use of, in foods as adulteration, 2880.

SALT.

weight of bushel of, 3006.

SALVAGE.

compensation for, 6184.

SANITATION.

See Health; Food, § 2.

SATISFACTION.

defined, 5827.

of miner's lien, when to be granted, 6842.

of judgment, 7707-7709.

of mechanic's lien, when, where and how filed, 6829.

SATURDAY.

service of process on, when punishable, 9244.

SAVINGS BANK.

See Banks and Banking, § 7.

SAWDUST.

depositing in streams, misdemeanor when, 10283.

SCALES.

county commissioner to establish scales, 3016.

care and capacity of scales, 3017.

appointment of weigh-masters, bond, 3018.

weigh-master to keep record, 3019.

compensation and removal of weigh-master, 3020.

to be erected by railroad company on shipping platforms, 4775, 4776.

power of the city to establish and purchase and require dealers in certain commodities to use such scales, 3599 (39).

power of cities as to public scales, 3599 (39), (40), (41), (70), 3818 (32), (33).

SCANDINAVIAN LANGUAGE.

to be taught in university, 1551.

SCHEDULE.

of railroad trains, 4716.

of rates and fares, provisions regulating, 4724-4727.

SCHOOL AND PUBLIC LANDS.

See Public Lands.

SCHOOL FOR THE BLIND.

See Blind Asylum.

SCHOOL FOR THE DEAF AND DUMB.

See Deaf and Dumb, School for.

SCHOOL FOR THE FEEBLE MINDED.

See Feeble-minded, Institution for.

INDEX.

(References are to sections.)

SCHOOL FUNDS.

See Schools and School Districts, § 9.

SCHOOL OF FORESTRY.

See Forestry, School of.

SCHOOLS AND SCHOOL DISTRICTS.

as to state board of education, see Education, § 2.

as to school elections, see Elections, § 17.

as to school taxes, see Taxes, § 21.

as to agricultural schools, see Agricultural College and Schools.

as to educational corporations, see Education, § 3.

See also, Normal Schools; University of North Dakota; Academy of Science; Forestry, School of.

§ 1. *In general.*

system of "free public schools" of the state, defined, 1415.

school week defined, 1382.

school year defined, 1382.

holidays to be observed, 1382.

speculation by school officers unlawful, when, 10189.

free text books, 1397, 1398.

duty of person in charge of pupil to provide text books, 1399.

Bible not to be excluded from any public schools, 1388.

use of public drinking cups in, prohibited, 2952-2954.

compulsory attendance, 1342-1345.

school census, 1195.

fuel, lignite coal to be used, 1828.

United States Flag to be displayed, 1400.

penalty for disturbing public schools, 1355.

— for insulting or threatening teacher, 1355.

school laws to be printed, distribution, 1118.

blue book, distribution of among, 92, 93.

§ 2. *School districts, common.*

organization

territory that may be organized into school district corporations, 1141.

procedure, 1147-1151.

public notice, 1148.

duty of county commissioner to organize, 1141.

how named, 1145.

to be renumbered and renamed upon organization of territory into new counties or enlargement of counties, 3217.

change of boundary, 1146.

consolidation, procedure, 1190.

division and attachment to other school districts, 1142, 1143.

consolidation of civil townships with adjacent school district, 1144.

plats showing boundaries of school districts to be prepared by county auditor, 1149.

map showing boundaries of school district to be prepared by county superintendent, 1129.

powers,

in general, 1140.

to take property by eminent domain, 8203.

each school district a public corporation, 1120.

indebtedness,

limitation of, 2218.

adjustment when no legal school board exists, 1228.

apportionment of bonded indebtedness between special district and common school district, 1239.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

indebtedness — (continued).

— upon consolidation of special district with common school district, 1261.
equalization of indebtedness by arbitration upon consolidation or change in boundary, 1327.

change or division in county lines as affecting liability of school district for bonds issued by such district, 3218.

tax to pay indebtedness upon establishing special school districts, 1238.

tax to pay judgment against school district, 1223.

irregularities legalized, 1150.

§ 3. — *independent school districts.*

organization under special law abolished.

district becomes part of the district in which it is located, 1319.

old officers hold over, 1320.

debts and assets determined by arbitration, 1321.

how organized, 1286.

elections to establish, 1286.

notice of election, 1287.

form of ballot, returns, 1288.

boundaries, 1289.

to assume all debts and liabilities incurred by the district out of which they are formed, 1312.

property,

title vested in the district, 1309.

power to hold and dispose of, 1309.

conveyances of real property, 1310.

not subject to any judgment or a mechanics' lien or taxation, 1309.

not subject to sale on execution or other process, 1309.

levy and collection of taxes, 1301.

— amount of taxes, 1302.

§ 4. — *Special school districts.*

cities, incorporated towns and villages to constitute, 1229.

elections to establish, 1231-1236.

division of property upon establishing, 1237.

election of first board of education, 1244.

attachment of adjacent territory for school purposes, 1230.

right to become part of common school district, election, 1261.

organization, 1243.

each special district to be a corporate body, 1231.

powers in general, 1231.

indebtedness,

limit of, 1275.

bonds, how and when issued, 1272.

election for issuing, notice, 1274.

— denomination of, amount of interest, 1273.

sinking fund,

creation of, tax levy, 1276.

investment of, 1277.

apportionment of bonded indebtedness between special district and common school district, 1239.

— upon consolidation of special district with common school district, 1261.

taxes,

annual school tax, 1258.

taxable property for school purposes, 1257.

to pay indebtedness upon establishing special school districts, 1238.

§ 5. *School boards in common school districts.*

election, term of office, 1151.

qualifications of members, 1153.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

- oath of office, 1159.
- organization, 1160.
- compensation, 1162.
- meetings,
 - time for holding, 1162.
 - notice of, 1162.
 - special meetings, 1162.
 - quorum, 1161.
- records to be in English language, 1199.
- powers,
 - in general enumerated, 1173.
 - to establish schools, 1174.
 - to discontinue school, 1189.
 - to acquire land for school house site by conveyance, 1187.
 - by the exercise of eminent domain, 1187.
 - to permit the use of school houses for other purposes, 1183.
 - to adopt and contract for all school supplies, 1397.
 - to provide free text books, 1398.
 - to purchase United States flag, 1400.
 - to make rules and regulations for government of schools, 1180.
 - to employ and dismiss teachers, 1178.
 - to determine branches of study in addition to those required by law to be taught in schools, 1181.
 - to admit pupils from other school districts, 1179.
 - to transfer pupils from one school to another, 1179.
 - to send pupils to another district, 1179.
 - to suspend or expel pupils from school, 1180.
 - to levy taxes upon property for school purposes, 1182, 1222.
- duties,
 - to organize and establish school upon presentation of a petition, 1188.
 - to call an election upon presentation of petition to pass upon the question of consolidating two or more schools, 1190.
 - to call election to pass upon question of establishing district high school, 1192.
 - to call an election to pass upon the question of changing school site, 1184.
 - to call an election to determine the question of conveying pupils at the expense of the district to and from schools, 1190.
 - to determine length of school term, 1189.
 - to continue school term for an additional time upon presentation of petition, 1190.
 - in respect to buildings under their control, 2996.
 - to provide proper water closets for schools, penalty for neglect, 1403.
 - as to lighting, heating and ventilating of school houses, 1185.
 - to make repairs, furnish fuel, and supplies, 1175.
 - to erect stables in rural districts, 1207.
 - to provide hitching posts, 1207.
 - to furnish school supplies, 1176.
 - as to purchase of school supplies, 1529.
 - to assist teachers in government and discipline of schools, 1180.
 - as to transportation of pupils to adjoining school districts, 1179.
 - as to care of school library, 1177.
 - to appoint librarian, 1177.
 - to make appropriations for school library, 1176.
 - to make school census, 1195.
 - as to tree planting, 1204.
 - as to appropriation of funds for tree planting and cultivation, 1206.
 - as to examination of records of school officers, 3543.
 - to keep all school records open to inspection, 1198.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

duties — (continued).

- to make annual settlement with the district treasurer, 1218.
- to publish district treasurer's annual report, 1218.
- to report to county superintendent of all persons of school age, 1195.
- to furnish list of feeble-minded persons residing in the district to the superintendent of the institution for the feeble-minded, 1196.
- to furnish list of blind persons to superintendent of the school for the blind, 1196.
- to furnish list of deaf and dumb persons residing in district to superintendent of schools for the deaf, 1196.

certain acts legalized, pending actions not affected, 1421, 1422.

resignation not to take effect until a successor had qualified, 1326.

vacancy,

- for failure to qualify within two weeks after beginning of term of office, 1326.
- removal by court, 1326.
- to be filled by appointment by county superintendent, 1324.

officers,

- right of women to hold office, 1153.
- bonds of certain officers to be filed with clerk of school district, 1171.
- to be advised on matters relating to the duties of their respective offices by the state's attorney, 3376.
- power to administer oaths, 1156.
- penalty for failure to make official reports, 3542.
- for false report, 1354.

president,

- election, 1160.
- duties in general enumerated, 1163.

treasurer,

- election, 1151.
- term of office, 1151.
- women eligible to hold office of, 1153.
- bond, 1165-1167.
- duty to furnish state bond, 193.
- to be filed with county auditor, 1171.

salary, 1172.

duties,

- to keep separate account with each fund, 1218.
- as to deposit school funds, 1473.
- as to state tuition fund, 1211.
- as to payment of school funds, 1168.
- to indorse warrants when payment is refused for want of funds, 1169.
- as to annual settlement 1218.
- as to annual report, 1218.
- as to sale of school supplies, 1529.
- to bring action upon the official bond of his predecessor for failure to pay over school funds, 1352.
- to keep record of issuance of refunding bonds, 4034.

vacancy, how filled, 1324.

liability for funds deposited in depository, 1486.

penalty for failure to indorse warrant not paid for want of funds, 1353.

clerks,

- term of office, 1160.
- compensation, 1164.
- vacancy to be filled by appointment, 1325.
- power to issue child labor employment certificates, 1406.
- duties,
 - in general, enumerated, 1164.
 - to furnish county superintendent a list of all officers elected, 1158.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

- clerks — (continued).
- duties — (continued).
 - to advertise for proposals for depository, 1474.
 - to notify county auditor of the amount of school tax levied, 1222.
 - as to sale of school supplies, 1529.
- annual report, 1197.
- penalty for neglect of duty, 1347.
- § 6. — *in independent school districts.*
 - election, 1290.
 - time for holding, canvass of votes, 1291.
 - term of office, 1290.
 - penalty for the failure to serve, 1313.
 - compensation, 1294.
 - meetings of board, regular and special, 1295.
 - quorum, 1290.
 - vacancies,
 - how filled, 1292, 1324.
 - removal by court, 1326.
 - powers,
 - in general, enumerated, 1293, 1297, 1298.
 - to permit non-resident pupil to attend school, 1300.
 - to adopt and contract for all school supplies, 1397.
 - to provide free text books, 1398.
 - to purchase United States flag, 1400.
 - as to conveyance of real property, 1310.
 - to issue bonds, 1303.
 - duties,
 - in general, enumerated, 1294.
 - to qualify within ten days, 1313.
 - to recommend to city council ordinances for the protection of school property, 1314.
 - as to visitation of schools, 1299.
 - as to expenditures, 1308.
 - contracts,
 - necessity of advertising for bids, 1356.
 - school board not to be interested in, 1294.
 - officers,
 - election of, oath of office, 1293.
 - resignation not to take effect until successor has qualified, 1326.
 - vacancy for failure to qualify, 1326.
 - penalty for false report, 1354.
 - treasurer,
 - city treasurer to be treasurer of independent school district, 1304.
 - bonds, 1305.
 - duties,
 - as to keeping and paying out school funds, 1306.
 - to indorse warrants not paid for want of funds, penalty, 1353.
 - to bring action upon official bond of predecessor for failure to pay over school funds, 1352.
 - as to annual report to school board, 1311.
 - vacancy filled by appointment by county superintendent, 1324.
 - secretary,
 - appointment, 1296.
 - duties in general, enumerated, 1296.
 - compensation, 1296.
- § 7. — *in special school district.*
 - election of, 1262.
 - candidates, official ballot, 1265.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

- election of— (continued).
 - of first board, 1244.
 - certificate of election, 1269.
 - term of office, 1245.
 - oath of office, 1270.
 - compensation, 1246.
 - resignation not to take effect until successor has qualified, 1326.
 - vacancies,
 - how filled, in general, 1271.
 - by appointment by county superintendent, 1324.
 - removal by court, 1326.
 - office deemed vacant upon failure to qualify, 1326.
 - organization of board, 1248.
 - quorum, 1245.
 - meetings of school board,
 - annual and special meetings, 1247.
 - powers,
 - in general, 1251.
 - as to control of property, 1260.
 - as to supervision of schools, 1252.
 - to adopt and contract for all school supplies, 1397.
 - to provide free text books, 1398.
 - to purchase United States flag, 1400.
 - duties,
 - in general, 1251.
 - to provide proper water closets for schools, penalty for neglect, 1403.
 - to levy annual school tax, 1258.
 - as to investment of sinking fund, 1277.
 - contracts,
 - how made, 1259.
 - necessity of advertising for bids, 1356.
 - members of school board not to be interested in, 1246.
 - conveyance of school property, how executed, 1242.
 - penalty for false report, 1354.
 - certain acts legalized, pending actions not affected, 1421, 1422.
 - president,
 - duties in general, 1249.
 - treasurer,
 - appointment, 1248, 1254.
 - compensation, 1248.
 - bond of, 1256.
 - custodian of all school money, 1253.
 - duties,
 - in general, enumerated, 1255.
 - to indorse warrants not paid for want of funds, penalty, 1353.
 - to bring action upon official bond of predecessor for failure to pay over school fund, 1352.
 - clerk,
 - appointment, 1248.
 - duties of, 1250.
 - compensation, 1248.
- § 8 — *in cities not organized under general law.*
- number to be elected, 1313.
 - qualifications of members, 1315.
 - election, 1315, 1317.
 - term of office, 1316.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

§ 9. *School funds.*

- as to school taxes, see Taxes, § 21.
- general fund, defined, 1212.
- state tuition fund,
 - defined, 1212.
 - purpose, use, 1212.
 - how raised, 1208.
 - apportionment among the counties, 1208.
 - county superintendent to apportion among the several school districts of the county, 1217.
 - duty of state auditor with respect to, 133, 1210.
 - duties of county treasurer regarding, 1209.
 - district treasurer to keep fund separate from all other funds, 1211.
 - to be withheld from school districts which have failed to make reports required by law, 1214.
- county tuition funds,
 - to be apportioned among the school districts by county superintendent of schools, 1225.
 - to be withheld from districts which have not maintained schools for six months, 1216.
- delinquent taxes for special tuition funds to be apportioned among school districts, 1226.
- school fund to receive money from ferry license, 2068.
- to be deposited, 1472.
- depositories to be designated, 1473.
- state auditor or school clerk to advertise for proposals, 1474.
- proposals to serve as depositories how acted upon, 1475.
- bond required of depository, 1475.
- in case depositories are required two or more banks may be designated, 1477.
- when time deposits may be made, 1478.
- how depositories for time deposits selected, 1479.
- maximum rate of interest on call deposits, 1480.
- in whose name school funds are to be deposited, 1481.
- penalty for violation, 1482.
- banks to furnish monthly statements, 1483.
- checks, how to be signed, 1484.
- when bids not required, 1485.
- treasurer not liable for funds deposited by reason of bank failure, 1486.
- depository need not be named for sum unless sum exceeds five hundred dollars, 1487.
- violation constitutes misdemeanor, 1488.
- controlled and paid out by school district treasurer, 1213.
- paid out only upon warrant of school board, 1168.
- warrant for payment of school funds, 1170.
- how kept and paid out in independent school district, 1306.
- contracts for expenditure of school funds exceeding \$100 to be let only after advertisement for bids, 1356.
- sinking fund in special school district, 1276, 1277.
- in independent school district, 1307.

§ 10. *Establishment of schools.*

- procedure, 1188.
- of free kindergarten, 1402.
- discontinuance of, by school board, 1189.
- graded schools, how classified, 1431-1432.
- district high school,
 - establishment of, election, 1192.
 - term, 1193.
 - right of adjacent school districts to establish and maintain, 1194.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

state high schools, 1430-1438.
state aid, 1430, 1435.

§ 11. *School sites and buildings.*

election to determine site, 1184, 1185.
amount of land that may be taken for site, 1187.
school buildings,
plans,
to be furnished by superintendent of public instruction, 1185.
to be submitted to superintendent of public instruction, 1489.
requirements of plans and construction, 1490.
toilet rooms in school buildings, how constructed, 1491.
method of inspection and adjustment of grievance, 1492.
method of constructing ventilating flues, 1493.
approval of plans, 1494.
penalty for violation of the act, 1494.
width of doors in, 2995.
doors to swing outward, 2995.
exits required, 1200.
fire escapes, 1201-1203.
water closets, 1403.
question of purchase, sale or exchange to be submitted to the voters at an election called for that purpose, 1184.
removal of furniture a misdemeanor, 1183.
sanitary regulations, 1403.
to be disinfected, 415.
inspection by county board of health, 1186.
use of, for other purposes, 1183.
as exempt from taxation, 2078.

§ 12. *School term.*

length of, to be determined by school board, 1189.
not to be less than seven months, 1189.
additional school term, 1191,
of district high school, 1193.

§ 13. *Branches of study.*

branches to be taught in all schools, 1383.
humane treatment of animals, 1384.
moral instruction, 1389.
reading of bible, 1388.
physical education, 1390.
instruction in writing, amount of time to be devoted to, 1451.
election of course of study in high schools, 1452.
power of school board to determine what branches may be taught in addition to those required by law, 1181.
agricultural department in high schools, 1434, 1435.

§ 14. *Pupils.*

school age, 1342.
right to attend school in general, 1343, 1431.
admission of pupils from other district, tuition, transportation, 1179.
right of non-resident to attend school in independent school district, 1300.
compulsory attendance, 1342-1345.
medical examination of, 1346.
contagious diseases, permits required of pupils having, 426.
power of school board to suspend or expel, 1180.
— of teacher, 1386.

§ 15. *School library.*

duty to maintain, 1176.
care and custody of, 1177.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS— (continued).

list of suitable publications to be furnished by superintendent of public instruction, 1108, 1176.

annual appropriation by school board, 1176.

appointment of librarian, 1177.

§ 16. *Teachers.*

qualifications,

in general, 1178, 1372.

graduates of university, 1553.

to teach in kindergarten, 1402.

examinations for teachers' certificates,

how conducted, 1370.

written answers of applicants to be filed with secretary of the board, 1371.

teacher's certificate, 1376.

first grade elementary certificate, to whom granted, 1361.

second grade elementary certificate, to whom granted, 1360.

first grade professional certificate, to whom granted, 1363.

second grade professional certificate, to whom granted, 1362.

special certificate, to whom granted, 1364.

diplomas, how accredited upon the issuance of teacher's certificates, 1365, 1366.

high school diploma to be accredited as second grade elementary certificate, 1369.

permit certificate issued to college graduates, 1367.

right of graduates of university to receive, 1553.

ground for revoking, 1374.

proceedings to revoke, 1375.

contract for employment of teachers, 1178.

method of appointment where applicant is a relative of a member of the school board, 1318.

salary,

only holders of teachers' certificate entitled to receive compensation, 1380.

minimum salary, 1178.

while attending North Dakota educational association, 1401.

upon discontinuance of school, 1189.

right to suspend pupil from school, 1386.

duties,

to give notice of opening and closing of schools, 1379.

as to assignment of studies to pupils, 1387.

to give moral instruction in public schools, 1389.

to keep register, 1381.

to have certificate or diploma recorded, 1373.

to attend teachers' meetings, 1125.

to attend teachers' institute and training school, 1385.

not to receive commissions on sale of school supplies, 1529.

teaching to be in English language, 1199.

dismissal, 1178.

grounds for revoking certificate to teach, 1374.

penalty for insulting or threatening teacher of public schools, 1355.

§ 17. *Teachers' institutes and training school.*

notice of holding, 1385.

duty of superintendent of public instruction to prescribe a course of instruction, 1112.

duty of superintendent of public instruction to attend and assist at institutes, 1113.

duty of teachers to attend, 1385.

penalty for failure to attend, 1385.

teachers' county institute fund, 1391.

state appropriation, to be known as state institute fund, 1392.

institute fund, how paid out, 1393.

expenses of conductor, assistant and lecturer, how paid, 1395.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS— (continued).

- § 18. *Teachers' reading circle.*
reading circle board, 1396.
course of reading, 1396.
rules and regulations, 1396.
- § 19. *Teachers' insurance and retirement fund.*
creation of fund, 1495.
membership of board, 1495.
term of office of members, 1495.
annual meeting of members, 1496.
vacancy in board, how filled, 1496.
organization of board, 1496.
meetings and regulations, 1496.
compensation, 1500.
secretary of board, 1500.
investment of funds, 1501.
annual report of board, 1502.
retention of assessments, 1503.
amount of assessment, 1504.
method of assessing new teachers, 1505.
optional assessment for persons now teaching, 1506.
notification of teacher, 1507.
transmission of money to county treasurer, 1508.
statement to be sent to county superintendent and county auditor, 1509-1510.
reports to be made to board, 1511.
reports, how preserved, 1512.
transmission of funds to state treasurer, 1513.
penalty for failure to report and transmit funds, 1514.
portion of county tuition fund to be added to insurance fund, 1516.
name of fund, 1516.
payment of back assessments, 1511.
when teachers eligible to annuity, 1518.
legal school year defined, 1519.
application for insurance to board, 1520.
amount of annuity from teachers' retirement fund, 1521.
trustees may rateably diminish annuity, 1522.
withdrawal from participation in fund, 1523.
annuity to be paid quarterly, 1524.
annuity paid from interest and principal, 1525.
annuity to cease upon resumption of teaching, 1526.
annuity not subject to legal process, 1527.
definition of term "teacher" as used in act, 1528.
- § 20. *High school inspector.*
as member of state board of education, 1423.
how appointed, 1433.
salary of, 1433.
expenses of, 1433.
term of office, 1433.
duties, 1433.
- § 21. *State inspector of rural and graded schools.*
as member of state board of education, 1423.
term of office of, 1444.
salary of, 1444.
traveling expenses of, 1444.
report of, 1444.
duties,
in general, 1444.
to make annual report, 1438.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

§ 22. Superintendent of public instruction.

- ex officio member of,
 - state board of education, 1423, 1424.
 - state board of commissioners, 1011.
 - state board of canvassers, 876.
 - board of university and school lands, 1107.
 - normal board of control, 1533.
 - normal school board, 1107.
 - board of teachers' insurance and retirement fund, 1495.
 - state library commission, 1531.
 - state historical society, 380.
- qualifications, 1105.
- election, 1105.
- non-partisan election of, 907, 909.
- term of office, 1105.
- salary, 1120.
- traveling expenses, 1120.
- reports,
 - annual report to the governor, contents, 1116.
 - printing, distribution, 1117.
 - of biennial report, 59, 66.
- vacancy,
 - filled by appointment, 1422.
- powers,
 - as to supervision of the public schools of the state, 1107.
 - to appoint assistant, 1120.
 - to appoint clerks, 1120.
- duties,
 - to provide and keep a seal, 1115.
 - to prepare and prescribe course of study for all the common schools of the state, 1109.
 - to furnish school officers of the state school supplies and blank forms for reports, 1108.
 - to furnish school officers list of publications approved by him as suitable for school library, 1108.
 - to cause school laws to be printed, distribution, 1118.
 - to cause senior class to review course of study, 1453.
 - to prescribe and enforce rules and regulations pertaining to the carrying into effect of the school laws, 1110.
 - to confer with county superintendents regarding matters relating to public schools, 1111
 - to advise county superintendents and boards of education, 1110.
 - to decide all appeals from decisions of county superintendent, 1110.
 - to attend and assist at teachers' institutes, 1113.
 - to prescribe rules for teachers' institutes and teachers' training schools, 1112.
 - to prescribe course of instruction for teachers' institute and teachers' training school, 1112.
 - to appoint conductors and assistants for teachers' institutes, 1112.
 - to publish proceedings of Dakota educational association, distribution, 1119.
 - to apportion state tuition fund among the several counties of the state, 1210.
 - to furnish plans for school houses, 1185.
 - as to school building plans and specifications, 1489.
 - to keep a complete record of official acts, 1114.
 - to preserve and deliver to his successor all documents pertaining to school matters, 1106.
- liability,
 - for acts of deputy, 701, 1120.
 - for failure to perform duties of office, 9836.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS— (continued).

deputy,
 appointment of, 701, 1120, 1429.
 oath, 703.
 bond, 701.

appropriation for clerk hire, 652.

§ 23. County superintendent of schools.

member of,
 state board of education, 1423.
 county board of appraisers, 300.
 county board of health, 404.

election, 1121, 3257.

non-partisan election of, 907, 908.

qualifications, 1122.

women eligible to be county superintendent, 1153.

term of office, 1121.

bond, 663.

salary and expenses, 1137.

fees as appraiser of school lands, 300.

duty of county commissioner to provide office, 3293.

office, supplies, etc., to be furnished by county commissioners, 1138.

exempt from jury duty, 814.

appeal from decision of, to state superintendent of public instruction, 1132.

powers,

 to administer oaths, 1133.

 to appoint deputy, 701.

duties,

 as to general supervision of schools in the county, 1123.

 not to engage in any other profession or occupation, 1139.

 to provide a seal, 1128.

 to prepare map showing the respective school districts in the county, 1129.

 to decide all questions of controversy and appeals from all officers or boards, 1132.

 to fill vacancy in office of school director or school treasurer by appointment, 1324.

 as to visitation of schools, 1124.

 to see that proper course of instruction is given in all schools, 1134.

 to notify secretary of board of examiners of teacher's neglect to give required instruction in schools, 1134.

 to advise and direct teachers in regard to instruction and discipline of school, 1124.

 to convene teacher's meetings for professional instruction, 1125.

 to give written notice of teachers' institute, 1385.

 to conduct examinations for issuance of teacher's certificates, 1370.

 to convene annual meeting of school board in the county for the purpose of discussing methods for the improvement of the schools, 1127.

 to confer with superintendent of public instruction regarding matters relating to public school, 1111.

 to report to superintendent of public instruction, 1125.

 to file with county auditor and county treasurer a list of all persons chosen as president and clerks of the several school boards in his county, 1130.

 to file with the county auditor and the county treasurer statements showing amount of county tuition funds apportioned to each school district, 1225.

 relative to state aid for rural schools, 1443.

 as to apportionment of state tuition fund, 1131, 1217.

 to apportion the county tuition funds among the several school districts in the county, 1225.

 to withhold county tuition funds from districts which have not maintained schools for six months, 1216.

 to apportion delinquent taxes collected for special tuition fund among the several school districts in the county, 1226.

INDEX.

(References are to sections.)

SCHOOLS AND SCHOOL DISTRICTS — (continued).

duties — (continued).

- with respect to holding election to establish special school district, 1231-1234.
- to designate polling places in new school districts, 1152.
- to appoint election officers in new school districts, 1152.
- to adjust indebtedness of school district where there is no legal school board, 1228.
- to instruct officers regarding the manner of keeping records and making reports, 1126.
- to keep a record of all official acts, 1128.
- to file and keep all reports and statements from teachers and school boards, 1128.
- to furnish county commissioners quarterly an itemized statement of his traveling expenses, 1137.

liability for acts of deputy, 701.

vacancy,

- filled by appointment by board of county commissioners, 1323.
- removal by governor, 685.

deputy,

- appointment, salary, 1136.
- oath, indorsement on bond, 701.
- bond, 701.
- qualifications, 1136.
- duties in general enumerated, 1136.

§ 24. District superintendent of schools.

- powers and duties enumerated, 1378.
- right to issue child labor employment certificates, 1406.
- not to receive commissions on sale of school supplies, 1529.

§ 25. State aid for rural schools.

- general purpose of act, 1439.
- rural schools may obtain state aid, 1440.
- condition to be complied with by rural schools, 1441.
- conditions for obtaining aid as such rural schools, 1442.
- application to be made to county superintendent, 1443.
- inspection of schools,
 - state school inspector,
 - appointment of, 1444.
 - qualifications of, 1444.
 - salary and expenses of, 1444.
 - duties and reports of, 1444.
 - assistant inspector, 1444.
- amount of apportionment, 1445.
- aid to consolidated schools, 1446.
- records, accounts and rules, 1447.
- advance of grade or consolidated schools, 1448.
- report of state superintendent of public instruction, 1449.
- amount appropriated for each class of schools, 1450.

SCIENTIFIC CORPORATIONS.

- how formed, 5005.
- annual report, 5006.
- may acquire and sell property, 5007.
- provisions of by-laws, 5009.
- subsequent members, rights of, 5010.
- membership rights personal, 5011.

SEA.

- perils of, defined, 6256.

SEALS.

- great seal of state, 1911.
- of state officers, record of, to be kept by secretary of state, 122.

INDEX.

(References are to sections.)

SEALS — (continued).

- seal of county court, 8516.
- of board of veterinary medical examiners, 2713.
- of notary public, 844.
- of banking corporation, 5150.
- corporative or official seal how affixed, 5893.
- of persons, firms or corporations furnishing abstracts of title, 3098.
- distinction between sealed and unsealed instruments abolished, 5893.
- unnecessary on grant of real estate, 5516.
- forgery of public and corporate, 9884.

SEAMEN.

- See Ships and Shipping.

SEARCH WARRANT.

- defined, 11129.
- grounds for issuance, 11130.
- only upon probable cause, 11131.
- sworn complaint must be made, 11132.
- requisites of warrant, 11133.
- form of search warrant, 11134.
- by whom served, 11135.
- officer may break door, when, 11136.
- for liberating assistants, 11137.
- when warrant may be served at night, 11138.
- warrant must be executed and returned within ten days, 11139.
- disposal of property, 11140.
- return of warrant, 11141.
- copy of inventory, 11142.
- complaint controverted, 11143.
- how testimony taken, 11144.
- when property is to be restored, 11145.
- papers to be returned to district court, 11146.
- procuring search warrant without cause, 11147.
- officer executing is authorized, 11148.
- search of accused for dangerous weapons, 11149.
- issues in prohibition cases, when, 10109.
- fees for serving search warrant, 3514.
- misconduct in executing search warrant, misdemeanor when, 9394.
- procuring maliciously, misdemeanor, 9437.

SEAWORTHY.

- defined, 6558.

SECOND-HAND GOODS.

- dealers in second-hand household goods to disinfect same, 2960, 2961.

SECOND-HAND STORE.

- as to licenses, taxes and regulations in cities, 3599 (74).
- under commission form of government, 3818 (69).

SECOND OFFENCE.

- how punished, 10340, 10343.

SECRECY.

- to be maintained by grand jurors, 10667-10669.

INDEX.

(References are to sections.)

SECRETARY OF STATE.

§ 1. *In general.*

- bond, 131.
- salary, 130.
- appropriation for clerk hire, 652.
- schedule of fees authorized by law, 129.
- powers of secretary to grant lease of ferry, 2065.
- powers of secretary as to the continuance of unexpended appropriations for state institutions, 1818.

§ 2. *Deputy.*

- secretary may appoint deputy, 701.
- bond of deputy, 701.
- oath of deputy endorsed on bond, 703.

§ 3. *Ex officio.*

- member of state board of canvassers, 122, 876, 1011.
- member of state board of trustees of public property, 122, 376.
- member of the university and school land, 122, 284.
- commissioner of public printing, 122.
- member of state banking board, 122, 5146.
- member of state historical society, 122, 380.
- member of state board of auditors, 122, 369, 375.
- member of emergency fund commission for state institutions, 1821, 1824.
- clerk of board for trial of contest for presidential electors, 1060.
- custodian of undistributed laws, journals, and documents, 91.
- custodian of certain records and files, 121.

§ 4. *Duties.*

In general,

- enumerated generally, 122.
 - to attend sessions of legislative assembly, 122.
 - in impeachment cases, 10453.
 - to record bonds of state officers, 122.
 - to keep bond record, 662.
 - to keep record of seals of all state officers, 122.
 - as to taking census, 1889-1898.
 - to report to legislature enumeration of census, 1898.
 - to furnish blanks for wolf bounty, 2655.
 - to preserve records of United States land survey, 123, 124.
 - to furnish copy of United States land survey, 125.
- to elections,
- to prepare party registration and enrollment books, 918.
 - to furnish list of officers to be nominated, 866.
 - to place applicant's name on primary election ballot, 853.
 - to certify nomination for United States senator to legislative assembly, 863.
 - to certify names of candidates to county auditors, 974.
 - to preserve certificates of nominations, 973.
 - to advertise constitutional amendment to be submitted to the people, 979.
 - to select papers for publication for proposed amendment to the constitution, 3189.
 - to give notice of election, 981.
 - to transmit election blanks to county auditor, 969.
 - to place names of candidates on official ballot, 878.
 - to make memorandum of date of reception of returns, 1032.
 - to send messenger for abstract of votes when, 1014.
 - to file abstract of votes, 1014.
 - to mail statement of state board of canvassers, 877.
 - to publish statement of state board of canvassers, 877.
 - to record result of election on constitutional amendment, 1026.
 - to issue and publish certificate of election, 1020.

INDEX.

(References are to sections.)

SECRETARY OF STATE — (continued).

- as to elections — (continued).
 - to issue certificate of election to members of Congress, 1021.
 - to issue certificate of election of members of legislature, when, 1024.
- as to session laws, opinions of the court, etc.,
 - as to correction of laws, memorials and resolutions for publication, 102.
 - as to preparation and arrangement of laws and resolutions for publication, 108.
 - to certify that laws, memorials, and resolutions contained in the public volume of session laws are correct copies, 64.
 - to furnish copy of session laws to printer, 63.
 - to secure copyrights for session laws, 103.
 - as to distribution of session laws, 70, 77, 78, 126.
 - to furnish copies of laws to university, 1558.
 - as to sale of public laws of the state, terms of sale, 105.
 - as to enrolled and engrossed bills, 109.
 - as to distribution of legislative journal, 77.
 - to distribute state documents, 177.
 - to procure copies of supreme court reports, 743.
 - to advertise for proposals for publication of the opinions of the supreme court, 736.
 - as to distribution of supreme court reports, 1743, 1744.
 - as to preservation of laws, journals and executive documents, 91.
 - as to printing and distribution of blue book among public schools, 92, 93.
 - to furnish copy of laws and records filed and recorded in his office, 122.
 - as to accounts for public printing, 101.
- as to notaries public,
 - to issue commission to notaries public, 836.
 - to notify notary public of revocation of commission, 850.
- as to corporations,
 - to record articles of incorporation filed in his office, 122, 4513.
 - to issue certificates of incorporation, 4512.
 - as to record of domestic corporations, 5244.
 - as to record of foreign corporations, 5239.
 - in respect to reports of corporations, 4518, 4520, 4522.
 - to preserve docket of statement of mining corporation, 4991.
 - as to banking corporations, 5149, 5150.
 - to keep bank record, 5190.
 - as to corporations guilty of unfair discrimination, 3053.
- as to licenses, certificates, etc.,
 - to issue license for fire sale merchant, 3038.
 - as to commission merchant, 3022-3024, 3025.
 - as to registration of motor vehicles, 2976b.
 - in respect to disposition of motor vehicle license moneys, 2976m.
 - to issue ferry leases in unorganized counties, 2065.
 - to issue license to ticket agent, 4675.

SECRETARY OF THE SENATE.

See Legislative Assembly, § 4.

SECTION CORNERS.

- preservation of section corners and quarter posts, 3437.
- in incorporated cities, duty of city counsel to preserve section corner monuments, 4286.
- in unincorporated towns or villages, duty of town board to preserve section corner monuments, 4286.
- in organized townships,
 - duty of board of supervisors to preserve corner monuments, 4286.
 - power of board of supervisors to establish section corners, procedure, 4242, 4244.
- in unorganized townships,
 - duty of board of county commissioners to preserve section corner monuments, 4286.

INDEX.

(References are to sections.)

SECTION CORNERS — (continued).

in unorganized townships — (continued).

power of county commissioners to establish monuments fixing section corners, procedure, 4246.

duty of officers having in charge construction or repairs of streets and highways when it is necessary to remove section corner monuments, 4287.

penalty for destroying or removing section corner monuments, 4290.

SECURITY TO KEEP THE PEACE.

complaint for threatening, to be made by whom, 10408.

complaint defined, 10409.

magistrate to issue warrant, 10410.

procedure when charge controverted, 10411.

when accused must be discharged, 10412.

when accused must give undertaking, 10413, 10414.

committal or discharge of accused, 10415.

undertaking to be transmitted to district court, 10416.

assault in presence of court, 10417.

accused must appear at district court, 10418.

complainant not appearing, accused discharged, 10419.

procedure when parties appear, 10420.

when undertaking broken, 10421.

action upon undertaking, 10422.

what alleged in action, 10423.

limitation, 10424.

costs to be taxed, 10425.

SEDUCTION.

under promise of marriage, see Marriage, § 8.

forbidden, 4355.

under promise of marriage, 9575.

subsequent marriage as defense, 9576.

coverture no excuse for, 9213.

requisite proof to sustain conviction of, 10843.

amount of damages recoverable for seduction is in discretion of jury, 7171.

SEED GRAIN.

county bonds for purchase of seed grain, 3471-3477, 3488-3490.

commissioners may issue warrants, when, 3478.

duty of county commissioners to advertise intention of distributing seed grain, 3486.

distribution of seed grain purchased by county, application for seed grain, how made, 3479, 3480.

grain furnished by the county to be furnished at cost, 3487.

contract for payment of seed grain furnished by the county, 3481.

contract for payment of seed grain furnished by county made first lien, 3482.

penalty for misuse of seed grain furnished by county, 3484.

duty of, to prosecute misuse, 3485.

duty of county officers to prosecute persons misappropriating seed grain furnished by the county, 3485.

SEEDS.

for food, forage or manufacturing purposes, what constitutes, 2900.

how labeled or branded, 2898.

provisions regulating the sales of, 2900.

mis-labeling or mis-branding, prohibited, 2901.

penalty for violation of act, 2902.

INDEX.

(References are to sections.)

SEEDS — (continued).

- sale of seed for manufacture, food or forage, 2903.
- unclean seeds in transit, 2903.
- duty of agricultural college experiment station to inspect and analyze, 2904.
- citizen may have sample of seeds for analysis, 2905.
- state seed commissioner,
 - appointment, 2904.
 - duties, 2904.
 - salary, 2904.
- certificate of state botanist as presumptive evidence of facts therein stated, 2906.
- submission of facts developed by botanist to be transmitted to attorney-general and state's attorney, 2907.
- duty of attorney-general and state's attorney, 2908.
- experiment station to make report, 2909.
- appropriation for enforcement of article, 2910.
- mixed seeds, how sold, 2899.
- lien for seed furnished, 6851-6853.

SEIZIN.

- measure of damages for breach of covenant of, 7149.

SELF-DEFENSE.

- right of, 4356.
- force allowable to protect person or property, 9547.

SELF-INCRIMINATION.

- not to excuse members of state board of control from testifying, 237.
- no exemption from testifying before state board of control because of, 245.

SELL.

- as used in game and fish law, defined, 10275.

SENATE.

- See Legislative Assembly.

SENATORIAL DISTRICTS.

- apportionment, 44.

SENTENCE.

- term for which township officers may impose imprisonment, 4276.
- to penitentiary to expire in what months, 10346.
- of penitentiary, diminution of, for good conduct, 11215.
- upon two or more convictions, 10334.

SEPARATE PROPERTY.

- See Husband and Wife, § 6.

SEPARATION:

- of husband and wife, see Husband and Wife, § 2.

SERUM INSTITUTE.

- creation and management of, 1657-1661.
- See Agricultural College and Schools, § 1.

SERUMS.

- for testing contagious diseases of animals, 2762g.

INDEX.

(References are to sections.)

SERVANT.

See Master and Servant.

SERVICE.

See Master and Servant.

SERVIENT TENEMENT.

See Property, Real, § 3.

SERVILE LABOR.

as Sabbath breaking, 9235, 9236.

SERVITUDE.

See Property, Real, § 3.

SESSION LAWS.

how printed, 55.

binding of, 59.

authenticated, how, 64.

number to be printed, 67, 68.

popular edition, how printed and distributed, 69, 70.

officer, to deliver to successor, penalty, 76.

persons entitled to receive, 75-77, 81.

compilation or codification of, distribution, 81, 82, 83.

distribution by municipality, 86.

exchange with other states, 89.

as evidence, 90.

custody of undistributed laws, 91.

correction of, for publication, 102.

copyright, 103.

sale of, terms, 105.

copies for state library, 106.

arrangement of, for publication, 108.

certified copy to be furnished by secretary of state, 122.

copies of, to be sent to state university, 1558.

SET-OFF.

against agent, when permissible, 6334.

effect of assignment on, 7396.

of mutual judgment, 7706.

See also Counterclaim.

SETTLER.

to same rights on highways as free-holders, 1941.

provisions for relief of needy, 2545, 2546.

SEVERAL.

defined, 7295.

SEVERALTY.

ownership of property in, 5261.

SEWERS.

generally as to procedure for establishing in cities, see Cities, § 21; in villages, see Villages, § 17.

power of city to establish sewer system, 3697.

power of city to condemn land for the establishment of, 3697.

INDEX.

(References are to sections.)

SEWERS — (continued).

- plans, specifications and estimates for erection by city, 3703.
- power of city to create sewer districts, 3698, 3699, 3701.
- powers and duties of the city to construct and keep in repair, 3599 (29).
- power of city to compel railway companies to make and keep in repair, 3599 (27), 3818 (21).
- as to city regulations, 3599 (13) (34) (42), 3818 (7) (27) (35).
- regulations for connection with sewer upon improvement of street, 3740.
- as to the construction, repair and regulation of, in villages, 3861 (4) (9).

SEXTON.

- duty of, in respect to burials, 445.

SHAREHOLDERS.

- See Corporations, § 10.

SHEEP.

- See generally, Animals.
- inspection of, see Animals, § 4.
- as to infected sheep, see Animals, § 6.
- power to regulate and restrain running at large, see Animals, § 7.
- herding and driving, see Animals, § 10.
- sheep-killing dogs, see Animals, § 13.
- wolf bounty, see Animals, § 15.

SHEEP INSPECTORS.

- See Animals, § 4.

SHEEP SORREL.

- as noxious weed, 2900.

SHELLY'S CASE, RULE IN.

- construction of grant "to the heirs" or "heirs of the body," 5322.

SHEPHERD'S PURSE.

- as noxious weed, 2900.

SHERIFF.

§ 1. In general.

- bond, 663, 3520.
- eligible for two terms of office only, 3259.
- removal from office, by governor, 685.
- special temperance enforcement, sheriffs, 614.
- jury duty, exempt from, 814.
- exoneration of, in case of arrest and bail, 7506.
- limitation of action against, 7376.
- limitation of action against, for escape of prisoners, 7378.
- service of paper on sheriff, how made, 3402, 3403.
- coroner to act as sheriff in certain cases, 3405.
- vacancy when committed for failure to pay over money received by him, 3398.
- failure to perform duties of office, guilty of misdemeanor, 9830.
- appropriating money, when felony, 9389.
- mutilation, etc., of records, felony, 9389.
- permitting escape, misdemeanor when, 9390.
- penalties for failure to make monthly reports and keep record of the amount of fees collected, 3526.

INDEX.

(References are to sections.)

SHERIFF — (continued).

§ 2. *Deputies.*

appointment, 3523, 3524.
number authorized, 702.
bond, 701.
oath, indorsement on bond, 701.
qualifications, 704, 705.
authorized to administer oaths, 833.
removal by governor, 685.
compensation, 3523.

§ 3. *Powers.*

to appoint deputy, 701, 702.
to make arrests authorized by city officers, 3606.
to administer oaths, 833.
to serve process authorized by city officer, 3606.
may command assistance, when, 10428.
right to call upon national guard, 2397.

§ 4. *Duties.*

in general,

general duties enumerated, 3390, 3404.
to render account and settlement with county commissioners, 3303-3306.
to open and adjourn court, 3401.
as to attending the sitting of the county court, 8522.
to serve legal papers, 7960.
to serve subpoenas, 7872.
to execute all process, 3399.
execute process issued by county court, 8522.
as to indorsement and return of foreign process, 3391.
to execute order in arrest and bail, 7495.
in actions for claim and delivery, 7518.
in attachment, 7545-7554.
at polling place, 1042.
in contempt proceedings, 8186.
to kill glandered animals, 2733.
to act as live stock inspector, when, 2755.
as inspector of weights and measures, 2998.

as to prisons, jails, etc.,

to arrest without warrant, when, 10057.
to furnish court with copy of jail register, 11329.
to keep jail, 11351.
as to jails generally, 11306, 11308-11310, 11314, 11315.
as to United States prisoners, 11346-11348.
in carrying out judgment of death, 10976.
where prisoner sentenced to hard labor, 11334.
where judgment in criminal cases is superceded by appeal, 11000.
to convey convicts to penitentiary, 11213.

as to enforcement of laws generally,

as to enforcement of prohibition law, 10107.
as to gambling, 9686.
as to prize fights, 9820, 9821.
to enforce snuff law, 10182.
as to violation of chapter relative to government licenses, 10152.
as to false and misleading advertising, 9990.
in regard to violation of pure food law, 2888.
to enforce game and fish law, 10270.
to arrest and prosecute persons misappropriating seed grain furnished by the county, 3485.

INDEX.

(References are to sections.)

SHERIFF — (continued).

- as to enforcement of laws generally — (continued).
 - to enforce law relative to branding of cattle, 2636.
 - to obey orders of stallion registration board, 2777.
- as to insane persons,
 - to take insane person to hospital, 2553.
 - as to non-resident insane, 2561.
- as to uncollected taxes,
 - as to list of uncollected taxes, 2169.
 - to collect delinquent taxes, when, 2166.
 - to file receipts for payment of delinquent taxes, 2167, 2168.
 - in respect to the sale of land for delinquent taxes, 2318.
 - in connection with tax judgment sales, 2325.
 - to issue certificate of tax judgment sale, 2320.

§ 5. *Liability.*

- for acts of deputy, 701.
- liability for failure to return process, 3393.
- liability of sheriff for failure to execute process, 3394.
- liability for failure to pay over money, 3395.
- for execution of process and orders, 3399.
- in case of arrest and bail, 7511, 7512.
- for insufficient surety in criminal proceedings, 8199.
- liability for escapes and rescues, 3396, 3397.

§ 6. *Amercement.*

- authorized, 7770, 7774.
- measure of amercement, 7772.

§ 7. *Fees.*

- schedule of fees authorized, 3514.
- to keep fee bills posted, penalty, 3549.
- right to require fees to be paid in advance or security given, 3548.
- fees to be endorsed upon process, 3517.
- to keep a record of amount of fees collected, 3525.
- to pay to the county treasurer the fees collected, 2525.
- to report to board of county commissioners amount of fees collected, 3525.
- mileage, allowance for, 3521.
- legal rates for publication of notice required by law, 8540.
- allowance for livery hire, 3522.
- in tax judgment sales, 2336.
- for making distress of goods and chattels for taxes, 2178.
- for conveying insane person to hospital, 2565.
- for serving process of the county court, 8523.
- for performing duties required by law in county and justice's court, 3510.
- for transportation of prisoners and patients, 3515.
- for boarding United States prisoners, 3518.
- compensation for enforcement of pure food law, 2888.

SHIP MASTER.

- See Ships and Shipping, §§ 4, 5.

SHIPS AND SHIPPING.

§ 1. *In general.*

- definition of ships, 5448, 6150.
- charter party, 6104.
- compensation for salvage, 6184.
- carriers by sea, 6188.
- owners of ships not partners, 6387.
- mortgage on ships where recorded, 6767.

INDEX.

(References are to sections.)

SHIPS AND SHIPPING — (continued).

provisions of chapter on mortgages not applicable to ship mortgages, 6768.
general average and jettison, regulation of, 6225-6231.

§ 2. *Ships as personal property.*

ship, defined, 5447.
appurtenances, 5448.
navigation classified, 5449.
domestic and foreign ships, 5450.
power of court over, 5451.
possessor of ship liable, 5452.
regulation of Congress, 5453.
as taxable personal property, 2075.
where to be listed for taxation, 2096.
transfer of ships, mode of, 5533.
record of transfers of, 5562.

§ 3. *Rules of navigation.*

meeting ships; limitation, 5454.
— infringement, damages, 5455.
damages presumed from default, 5456.
liability by collision, defined, 5457.

§ 4. *Ship master.*

appointment by owner, 6150.
when master to be on board, 6151.
taking on pilot, 6152.
power over seamen, 6153.
power over passengers, 6154.
may abandon ship, when, 6156.
on abandonment must take away valuables, 6167.
cannot trade on his own account, 6158.
degree of care to be exercised by, 6159.
what law applies generally, 6160.
lien of, 6869.

§ 5. *Master as agent of owner.*

agents generally, 6372, 6373.
agent for owner of cargo, 6374.
authority to make contracts binding owner, 6375.
authority to hypothecate ship, 6376.
freightage and cargo, 6377.
authority to sell ship, 6378.
authority to sell cargo, 6378.
authority to pay ransom, 6379.
authority ceases on abandonment to insurers, 6380.
master's personal liability, 6381.
liability for negligence of crew, 6382.
liability for negligence of pilot, 6383.
duty to procure ship for cargo, when, 6587.

§ 6. *Ship managers.*

defined, 6180.
duties of, 6181.
managing owner, compensation of, 6182.

§ 7. *Mates and seamen.*

mate defined, 6160.
seaman defined, 6162.
engaged by master, cause for discharge, 6163.
vessel unseaworthy, effect of, 6164.
agreement to abandon lien on ship, void, 6165.
when special agreement of seaman is binding, 6166.
not to ship goods in own name. ¶107

INDEX.

(References are to sections.)

SHIPS AND SHIPPING — (continued).

- embezzlement or injury to be made good, 6178.
- rights and duties of officers and seamen further regulated by law, 6179.
- wages,
 - when wages due, 6167.
 - when wages begin, 6168.
 - wages when voyage broken up, 6169.
 - full wages when wrongfully discharged, 6170.
 - wages after loss or wreck, 6171.
 - certificate of master as evidence of seaman's exertion to save ship, 6172.
 - wages when disabled without fault, 6173.
 - expenses of sickness to be borne by ship, 6174.
 - wages to time of death, 6175.
 - forfeiture of wages by desertion, 6176.
 - cannot ship own goods, 6177.
 - lien of, for wages, 6870.

§ 8. Crimes in connection with ships and shipping.

- vessel defined, 10363.
- jurisdiction of crimes on vessel, 10507.
- grand larceny in vessel, how punished, 9919.
- gambling on board, duty of master, 9687.
- keeping of vessel, for gambling purposes, misdemeanor, 9687.
- selling liquor on vessel, on Sunday, 10143.
- person assuming to act as port warden, guilty of misdemeanor, 9757.
- master of vessel violating quarantine, how punished, 9749.
- landing of passengers before visit of health officer, prohibited, 9750.
- delay in departure of vessel, penalty for, 10025.
- overloading passenger vessel, misdemeanor, 9707.
- overloading, death caused by, 9493.
- obstructing navigation, misdemeanor, 9785.
- landing of convicts misdemeanor, 9431.
- willfully fitting out and destroying,
 - officer willfully destroying, 9977.
 - other persons, 9978.
 - fitting out vessel with intent to wreck, 9979.

SHOOTING.

- prohibited on Sunday, 9238.

SHOPS.

- power of cities to regulate and prevent the use of lights in shops, 3599 (50).
- cities under commission form of government, 3818 (45).

SHOWS.

- See Theaters and Shows.

SIDE TRACKS.

- duty of railroad to furnish, 3125.

SIDEWALKS.

- in cities, see Cities, § 21.
- in villages, see Villages, § 17.

SIGNAL LIGHTS.

- masking or removing, misdemeanor, 10074.

SIGNATURE.

- defined, 7309, 10366.
- obtaining by means of extortion, punishment, 9947.
- includes mark made by persons who cannot write, 11177.

INDEX.

(References are to sections.)

SIGNS.

powers of the city to prevent and regulate the erection of signs, 3599 (17).
regulation of, in cities under commission form of government, 3818 (11).
regulation of, in villages, 3861 (11).

SINGULAR.

words used in singular number includes plural, when, 7308.
term in singular number includes plural, 10373.

SINKING FUND.

as to taxation for bonded indebtedness, see Taxes, § 16.
may be maintained by railroad company, 4627.
for mutual insurance companies, 4937.

SKY ROCKETS.

See Fireworks.

SLANDER.

definition, 4351, 4353.
privileged communications, what are, 4354.
pleadings in respect to, 7463, 7464.
costs in action for, limited, 7794.
limitation of action for, 7377.

SLAUGHTER HOUSE.

sanitation of, see Food, § 2.
power of city to establish and maintain, 3599 (35).
regulations affecting slaughter houses in villages, 3861 (17).
regulations for the management and construction of, in cities under commission form of government, 3818 (58).

SLEEP.

food producing establishments not to be used for sleeping purposes, 2968.

SLEEPING CAR COMPANIES.

assessment of, 2144.

SLUNG SHOT.

manufacture, misdemeanor, 9768.
carrying or using, 9769.

SNARES.

for taking of birds or game animals prohibited, 10290.
seizure of, when, 10278.

SNOW.

special assessment for removing snow from sidewalk, 3696.
regulations affecting the cleaning of sidewalks in cities, 3599 (14).
— cities under commission form of government, 3818 (8).
— in villages, 3861 (11).

STUFF.

defined, 10181.
sale of, prohibited, 10180.
officers to enforce law, 10182.
penalty for violation of law, 10183.

INDEX.

(References are to sections.)

SOAP FACTORIES.

- regulations for the management and construction of, in cities, 3599 (63).
- in cities under commission form of government, 3818 (58).

SODOMY.

- defined; punishment, 9616.
- when crime complete, 9616.
- coverture no excuse for, 9213.

SOLDIERS AND SAILORS.

- preferment for official employment, 3186.
- duty of county judge to notify secretary of war of the death of soldiers and sailors, 3183.
- burial of indigent soldiers and sailors,
 - to be made at the expense of the state, 3181.
 - interment not to be made in place used exclusively for burial of paupers, 3182.
 - payment and auditing of burial expenses, 3184.
 - appropriation, 3185.

SOLDIERS' HOME.

§ 1. *In general.*

- location, 1775.
- objects, 1776.
- admission, who entitled to, 1777.
- disposition of estate of deceased inmate, 1788, 1789.
- appropriation, 1796.
- subordinate officers, appointment and qualifications, 1782.
- accounting officer, 1807, 1811, 1816.
- treasurer, duties in general, 1808.

§ 2. *Board of trustees.*

- commander of the Grand Army of the Republic *ex officio* a member of the board, 1779.
- qualifications of members, appointment, term of office, 1779.
- compensation, 1779.
- oath of office, bond, 1780.
- meetings, time for holding, 1781.
- annual report to governor, 1791.
- report to legislature, 1781.
- duties,
 - to keep record of proceedings, 1784.
- powers,
 - to make rules and regulations for government of institution, 1781.
- approval of contracts by trustees, 1784.

§ 3. *Commandant.*

- qualifications, 1782.
- appointment, 1782.
- salary, 1782.
- duty as to estate of deceased inmates, 1788, 1789, 1790.
- powers in general enumerated, 1782.

§ 4. *Bonds.*

- issuance of, 1791.
- denomination, rate of interest, 1791.
- sale of, 1792.
- tax to pay interest on, 1793.
- interest and principal to be paid by state treasurer, 1794.
- use of proceeds realized from sale, 1795, 1796.

§ 5. *Funds.*

- lands and funds set apart for support, 1778.

INDEX.

(References are to sections.)

SOLDIERS' HOME — (continued).

- how kept, 1783, 1787.
- premium for insurance, how paid, 1783.
- state auditor's duty as to, 1786.
- custodian of interest, rents and penalties, 1787.
- congressional grant, acceptance, 1785.

SONS OF VETERANS.

- unlawful to wear badge of, when, 9967.

SORREL.

- as noxious weed, 2900.

SPANISH WAR VETERANS.

- unlawful to wear badge of, when, 9967.

SPEAKER.

- See Legislative Assembly, § 4.

SPECIAL ADMINISTRATOR.

- See Executors and Administrators, § 12.

SPECIAL ASSESSMENT COMMISSION.

- for cities, see Cities, § 24.

SPECIAL ASSESSMENTS.

- for public improvements in cities, see Cities, § 23.
- in villages, see Villages, § 17.
- in towns, see Towns, § 1.
- in townships, see Townships, § 15.

SPECIAL ELECTIONS.

- See Elections, § 15.

SPECIAL GUARDIAN.

- See Guardian and Ward, § 3.

SPECIAL PROCEEDINGS.

- defined, 7331.
- parties to, how designated, 8443.
- motions in, defined, 8444.
- judgment in, defined, 8444.

SPECIAL SCHOOL DISTRICT.

- See Schools and School Districts, § 4.

SPECIAL TEMPERANCE ENFORCEMENT SHERIFF.

- provisions for, 614.

SPECIFIC PERFORMANCE.

§ 1. In general.

- right to compel specific performance of an obligation in general, 7192.
- right to compel specific delivery of personal property, in general, 7191.
- granted only when obligation is mutually enforceable or the other party has performed, 7193.
- presumption that breach of agreement to transfer personal property can be adequately relieved by compensation, 7194.

INDEX.

(References are to sections.)

SPECIFIC PERFORMANCE — (continued).

- presumption that breach of agreement to convey real property cannot be adequately relieved by compensation, 7194.
- right to specific performance of contract signed by only one party, 7195.
- penalty in contract as affecting right to enforce specific performance, 7196.
- liquidated damages in contract as affecting right to have specific performance, 7196.
- right to specific performance if all the conditions have not been fulfilled by plaintiff, 7199.
- right of seller to specific performance of contract of sale where title is imperfect, 7200.
- specific performance against subsequent grantee of real property, 7201.
- enforcement against estate of decedent of contract to convey real estate, 8792-8796.
- § 2. *Obligations that cannot be specifically enforced.*
 - agreement to render personal service, 7197 (1).
 - agreement to employ another in personal service, 7197 (2).
 - agreement to submit to arbitration, 7197 (3).
 - agreement to procure act or consent of third person to a contract, 7197 (5).
 - agreement to procure wife's consent to husband's contract, 7197 (5).
 - act which party cannot lawfully perform, 7197 (4).
 - indefinite contract, 7197 (6).
- § 3. *When not decreed.*
 - where defendant has not received an adequate consideration, 7198 (1).
 - where contract is unfair to defendant, 7198 (2).
 - where defendant's assent was procured by misrepresentation or fraud, 7198 (3).
 - where defendant's assent was procured by a promise which has not been substantially fulfilled, 7198 (3).
 - where defendant's assent was given by mistake, exception, 7198 (4).

SPECIFIC RELIEF.

- specific relief to be given only in cases enumerated in the code, 7185.
- how specific relief is given, 7186.
- not granted to enforce a penalty or forfeiture, 7188.
- not granted to enforce a penal law, except in a case of nuisance, 7188.

SPECULATION IN OFFICE.

- by officers, punishment, 10186-10191.
- jurisdiction of justice of the peace, 10190.

SPEED.

- to be maintained by carriers of passengers, 6196.
- by carriers of livestock, 4801, 4802.
- of motor vehicles regulated, 29761.
- powers of the city to regulate the speed of horses, vehicles and locomotives, 3599 (21).
- regulations of speed of horses, vehicles and cars and locomotives in cities under commis- sion form of government, 3818 (15).
- regulations affecting the speed of horses and vehicles, cars and locomotives in villages, 3861 (11).

SPELTZ.

- weight of bushel of, 3006.
- rate of taxation of, 2256.

SPENDTHRIFT.

- procedure in the county court for the appointment of guardian of, 8890.

SPIRITUALISM.

- power of the city to regulate, tax, license and prohibit, 3599 (30).

INDEX.

(References are to sections.)

SPORTS.

- right to conduct on land, as easement, 5330.
- prohibited on Sunday, enumerated, 9238.
- as Sabbath breaking, 9235.
- certain sports prohibited on Memorial Day, 10236.

SPRINGS.

- bounty for, 2039.

STABLES.

- at school houses in rural districts, 1207.
- power of cities to regulate and prevent the use of lights in stables, 3599 (50).

STALLIONS.

- See Animals, § 14.
- registration board, see Animals, § 14.

STAMPS.

- forging United States, 9901.

STANDARD.

- of weights and measures, 3000.
- of weights and measures to be kept by state treasurer, 3009.
- of coal marketed as anthracite, 3086.
- of liquor adopted, 10162.

STANDARD LIFE INSURANCE.

- See Insurance.

STANDARD POLICIES OF FIRE INSURANCE.

- See Insurance, § 4.

STAND PIPES.

- on hotels, 2982.

STATE.

§ 1. *In general.*

- defined, 7326.
- as used in motor vehicle law, defined, 2976a.
- allegiance defined, 16.
- preference to be given to, by carrier, 6237.
- messages from agents of, entitled to preference, 6263.
- consent of the state, to the purchase or condemnation of land by the United States for certain purposes, 3.
- may appeal in criminal cases, when, 10993.
- costs awarded against, 7807.

§ 2. *Jurisdiction of.*

- defined and limited, 2.
- jurisdiction ceded to United States over lands acquired for military post, 4.
- over all persons within, 15.

§ 3. *Powers.*

- over persons, 7.
- to require services of person without compensation, 7.
- ultimate right to property, 8.
- to acquire property by taxation, 10.
- to acquire property by eminent domain, 11.

§ 4. *Property of.*

- may be owner of property, 5254.

INDEX.

(References are to sections.)

STATE — (continued).

- owner of what property, 5255.
- right of, to take property by eminent domain, 8203.
- property escheats to, when, 9, 5760, 5761.
- owner of islands in navigable rivers, 5475.
- owner of wild game and fish, 10262.
- conveyance to, recorded by secretary of state, 122.
- person in charge of state property to make complete inventory and transmit to **governor**, 1827.
- limitation of action by state relative to real property, 7359.
- § 5. *Budget.*
 - statement of desired appropriations to be filed with the state auditor, 708.
 - statement of claims against state to be filed, 709.
 - duty of state auditor to furnish governor with statements of desired appropriations, 710.
- § 6. *Actions by.*
 - state auditor to institute action against person indebted to the state, 132.
 - to bring action for forfeit, 8022.
 - to annul patents, 7980.
 - by state, to be prosecuted by attorney-general, 157.
- § 7. *Actions against.*
 - when authorized; where brought; undertaking for costs, 8175.
 - claim to be presented and refused before action brought, 8176.
 - how judgment collected, 8177.
 - to be defended by attorney-general, 157.
 - against state officer in official capacity, to be defended by attorney-general, 157.
- § 8. *Claims against the state.*
 - time for filing with the state auditor, 709.
 - filed with state auditor, declared public records, 709.
 - how verified, 657.

STATE AID.

- for rural schools, see Schools and School Districts, § 25.

STATE ARCHITECT.

- appointment by state board of control, 257.

STATE'S ATTORNEY.

- § 1. *In general.*
 - election, 3257.
 - appointment by district court, 3379.
 - bond, amount of, 663.
 - salary, 3492.
 - salary not to be diminished during the term, 3493.
 - removal by governor, 685.
 - proceedings to remove, 10481.
 - appointment of substitute for, 10867.
 - assistance by attorney-general, 157.
 - member of county board of health, 404.
 - not to prosecute while partner defends, 10237.
 - responsible upon his official bonds for all acts of his assistant, 3380.
 - penalty for failure to pay over moneys, 3378.
 - disclosure of indictment misdemeanor when, 9434.
 - failure to perform duties of office, misdemeanor, 9830.
 - misdemeanor to act contrary to official duty, 10191.
- § 2. *Assistants and clerk.*
 - assistant, appointment, 3380.
 - powers and duties of assistant, 3380.
 - special counsel may be appointed to assist state's attorney by judge of district court, compensation, 3381.

INDEX.

(References are to sections.)

STATE'S ATTORNEY — (continued).

salary of assistant state's attorney, 3492.

clerk, salary of, 3492.

§ 3. Duties.

in general enumerated, 3376.

to assist fire marshal investigate fires, 219.

to advise irrigation engineer, 8266.

legal adviser of board of drain commissioners, 2463.

as to the administration of estate of decedent where there are no heirs known, 3668.

to issue subpoena for witnesses, when, 11025, 11026.

to receipt for fines, penalties and costs, 3777.

as to grand jury, 10666.

to inquire into charge of crime, when, 10629.

to file information, when, 10628.

in habeas corpus, 11380.

as to fugitive from justice, 11157.

to prosecute charges made against certain officers, 636.

as to accusations against public officers, 10470.

as to criminal complaint against corporations, 11083.

to prosecute for trespass on state lands, 361.

to report as to sterilization of habitual criminals, 11435.

to prosecute in bastardy proceedings, when, 10495.

as to gambling, 9686.

to arrest and prosecute persons misappropriating seed grain furnished by the county, 3486.

as to false and misleading advertising, 9990.

in respect to violation of provisions relative to optometry, 539.

as to false weights and measures, 9987.

in regard to enforcement of pure food law, 2682.

to prosecute persons violating any provision of formaldehyde law, 2931.

to prosecute violations of pure drug law, 2947.

to make report as to violation of pure liquor law, 10165.

to investigate alleged violation of prohibition law, 10116.

to prosecute violation of prohibition law, 10111.

to enforce snuff law, 10182.

to prosecute violations of paris green law, 2937.

in regard to enforcement of pure seed law, 2908.

to enforce law relative to adulteration of oils, 2877.

to prosecute violations of oil inspector's act, 3073.

to enforce game and fish law, 10270.

to enforce article relative to noxious weeds, 2820.

to assist in proceedings in collection of taxes, 2088.

as to collection of inheritance taxes, 8996.

to prosecute and defend proceedings for railroad commissioners, 595.

to prosecute violations of provisions relative to coal freight rates, 4783.

to enforce act relative to commercial discrimination, 3051.

STATE AUDITING BOARD.

See Auditors, State Board of.

STATE AUDITOR.

§ 1. In general.

salary, 140.

bond, 142.

liability for acts of deputy, 701.

reports, number to be printed, 66.

biennial report, printing of, 59.

failure to perform duties of office, guilty of misdemeanor, 9836.

INDEX.

(References are to sections.)

STATE AUDITOR — (continued).

§ 2. *Deputy.*

- salary of, 131.
- oath, indorsement on bond, 703.
- report to governor, 132.

§ 3. *Ex officio.*

- member of state auditing board, 375.
- secretary of state auditing board, 375.
- member of board of state auditors, 369.
- member of board of trustees of public property, 376.
- member of state board of equalization, 2141.
- clerk of state board of equalization, 2142.
- member of state board of canvassers, 1011.
- member of board of commissioners of school land, 284.
- commissioner of public printing, 45.
- member of emergency fund commission for state institutions, 1821.
- member of state historical society, 380.
- member of state fair association, 1852.

§ 4. *Powers.*

- to have access to all state offices for the purpose of inspecting records and accounts, 134.
- procure books and blanks, 645.
- to appoint deputy, 701.
- to allow abatement of unpaid taxes, 2272, 2273.
- to remit tax penalties, 139.
- authority to draw warrant on school funds, when, 293.

§ 5. *Duty.*

- in general,
 - enumerated, 132, 133.
 - to keep current account with the state treasurer, 642.
 - to make monthly settlement with state treasurer, 643.
 - to keep separate account with each fund, 644.
 - to give instructions to county auditors, 138.
 - to submit his books and accounts to legislative assembly for inspection, 136.
 - to settle account in favor of the state, 132.
 - as to proceedings against defaulters to the state, 134.
 - as to cancellation of unexpended appropriations for state institutions, 1818.
 - to keep separate account for each organized party, 3252.
 - as to apportionment of county funds, 640.
 - as to school funds, 133.
 - as to funds of state institutions, 1812.
 - as to north wing capitol bonds, 1797.
 - as to soldiers' home bonds, 1791.
 - as custodian of certain moneys belonging to soldiers' home, 1786.
 - as auditor of costs and expenses of railroad litigation, 4763.
 - as to accounts of state fair association, 1853.
 - to audit claims against the state, 132.
 - to audit accounts of commissioner of agriculture, when, 2545.
 - as to twine and cordage plant in penitentiary, 11239, 11240.
 - in respect to inspection of oils, 3058.
 - relative to provisions of wolf bounty law, 2650.
 - to certify miles of line and valuation of public corporations, 214.
 - to certify mileage of railroads, 2244.
 - to publish report of state board of equalization, 2142.
 - to advertise for proposals for depositories, 1474.
 - to furnish officer, board or institution receiving state aid with blank forms for statements of desired appropriations, 708.
 - to furnish governor with statement of requests for state appropriations filed in his office, 710.

INDEX.

(References are to sections.)

STATE AUDITOR — (continued).

in general — (continued).

- as to furnishing forms for state institutions, 1807b.
- as to issuance of warrants,
 - to specify in warrant on state treasurer from what fund it is to be paid, 641.
 - as to numbering and issuing warrants for vouchers filed in his office, 646.
 - to issue warrants in the same order as vouchers are received, 646.
 - to keep account of warrants, 132.
 - to issue warrants on the contingency fund, when, 647, 648.
 - to draw warrant for salaries of state officers monthly, 655.
 - to issue warrants for pay-roll of state institutions, 275.
 - to issue warrants to secure contingent funds of state institutions, 276.
 - to issue warrants for monthly expense list of state institutions, 1816, 1817.
 - to issue warrants for state tuition fund, 1210.
 - to issue warrants for deaf and dumb school certificates, 1697.
 - to issue warrant for incidental expenses of board of university and school lands, 294.
 - to issue warrants to pay veterinary examiners, 2715.
 - to pay expenses of agent to investigate cruelty to animals, 2671.
 - to pay expenses for investigating public lands as to coal, 367.
 - as to payment of state appropriation to North Dakota Firemen's Association, 1841.
 - to pay expenses of inquest at penitentiary or reform school, 11302.
- as to taxation,
 - to certify valuation of property of public utilities companies to county auditor, 2251.
 - regarding insurance tax for cities, towns and village fire departments, 3993-3995.
 - to determine rate of tax levy, 2141.
 - to fix state tax rate, when, 2148.
 - as to inheritance taxes, 8997.
 - to send list of taxable lands to county auditor, 137, 2222.
 - to prepare list of new taxable lands, 2222.
 - to deliver to state treasurer monthly an order on county treasurer for taxes collected, 3255.
 - to open consolidated tax account, 2274.
 - to furnish county commissioner with statement of unpaid taxes charged against county, 2270.

STATE BANK EXAMINER.

See Banks and Banking, § 3.

STATE BAR ASSOCIATION.

- power to investigate charges against attorney, 806.
- report to supreme court regarding investigations of charges made against attorney, 809.
- prosecution of charges made against attorney, 810.
- expenses incurred in investigating or prosecuting charges against attorney, provisions for, 811.
- appropriation to, for investigating and prosecuting charges made against attorneys, 813.

STATE BOARDS.

See Accountancy, State Board of; Animals, § 5; Auditors, State Board of; Banks and Banking, § 2; Bar Examiners, State Board of; Barbers, § 2; Elections, § 12; Elections, Primary, § 5; Capitol, Board of Control; Dentists, § 2; Education, § 2; Embalmers, State Board of; Taxes, § 10; Health, § 2; Immigration, State Board of; Medical Examiners, State Board of; Optometry, State Board of; Osteopathy, State Board of; Pardons; Pharmacy, State Board of; Poor, § 5; Public Property, State Board of; School Lands, § 2; Railroad Commissioners, State Board of.

INDEX.

(References are to sections.)

STATE BOARDS — (continued).

officers and members must be residents and citizens, 705.
reports of, to contain list of employees and their salary, 633.

STATE BONDING DEPARTMENT.

establishment of, 190.
business of defined, 192.
blank forms for applications, 200.
premium and bond, 194.
bonding, 195.
period of bond, 197.
rejection of application for official bond, notice, 200.
cancellation of official bonds, 200.
defaulting officials, examination by state examiner, 200.
duty of commissioner of insurance, 198, 200.
deputy and clerk, appointment, duties and salary, 191.

STATE BONDS.

See Bonds, State, County and Municipal, § 1.

STATE BUDGET.

See State, § 5.

STATE CAPITOL.

See Capitol.

STATE CENTRAL COMMITTEE.

See Elections, Primary, § 8.

STATE CHEMIST.

duty of to make tests of lubricating oil, 3067.

STATE COMMISSIONER OF INSURANCE.

See Insurance, Commissioner of.

STATE COMMITTEE.

See Elections, Primary, § 8.

STATE ENGINEER.

§ 1. *In general.*

appointment of, 8239.
qualifications of, 8239.
salary of, 8239.
fees of, 8244.
oath of office of, 8241.
official bond of, 8241.
report of, 8243, 8245.
refusal to testify before, punishment for, 8200.

§ 2. *Powers of.*

in general, 8239.
appointment of assistant engineer and other assistants, 8240.
custodian of government plats, 658a, 658b.

§ 3. *Duties of.*

in general, 8239.
to audit claims for labor, material, etc., furnished under his direction, 8242.
to promulgate rules and regulations for taking of waters for irrigation, 8246.
to approve appropriation of water, 8270.

INDEX.

(References are to sections.)

STATE ENGINEER — (continued).

- to co-operate with county commissioners for irrigation, 830l.
- to furnish plans and specifications for a good road to be built near good roads experiment station, 1881.
- to furnish plans and specifications for construction of highways to good roads experiment station, 1883.
- as to construction of highways and culverts, 1983-1984.
- in connection with county superintendent of highways, 1990k.
- to investigate public land as to coal, 366.
- to furnish copies of government plat, 658e.

STATE EXAMINER.

§ 1. *In general.*

- appointed, 224.
- removal by governor, 224.
- vacancies, how filled, 224.
- qualifications, 224.
- bond, 235.
- salary, 234.
- secretary of state banking board, 5146.
- fee of, 5235.
- assistant, appointment and salary of, 233.
- deputy, appointment and salary of, 234.
- penalty for obstructing or misleading state examiner in execution of his duties, 231.
- false statements to, perjury, 230.
- reports,
 - to governor, 232.
 - violation of banking laws to governor, 229.
 - number of reports to be printed, 60.
- powers, in general, enumerated, 231.

§ 2. *Duties.*

- in general, enumerated, 225-229.
- as to examination of banks incorporated under the laws of the state, 229.
- supervision and investigation of banks, 5146.
- to divide state into banking districts, 5146.
- to enforce banking laws, 5154.
- in respect to trust companies, 5220.
- to bring action against insolvent bank, 5183.
- upon dissolution of bank, 5162.
- relative to investment companies, 5225, 5228-5231.
- as to building and loan associations, 5136.
- as to examination of insurance company where commissioner of insurance is disqualified, 175.
- examination of private institutions, 226.
- to enforce uniform system of bookkeeping, 227.
- as to supervision and examination of the affairs of the state and county treasurer, 227.
- examination of fiscal affairs of counties, 228.

STATE EXPERIMENT STATION.

See Agricultural Experiment Station.

STATE FAIRS.

See Fairs, §§ 1, 2.

STATE FLOWER.

wild prairie rose to be, 1914.

STATE FORESTER.

See Forestry, School of.

INDEX.

(References are to sections.)

STATE GEOLOGIST.

professor of geology in university to be *ex officio*, 1572.

STATE HIGHWAY COMMISSION.

See Highways, § 5.

STATE HISTORICAL SOCIETY.

board of directors, how constituted, 380.
secretary, duties and privileges, 380.
secretary of, member of state library commission, 1531.
custodian of what for the state, 381.
state publications to be furnished by secretary of state, 381.
title of lands purchased by, vested in state, 384.
old settlers' association may use lands of, 384.
appropriations, 382, 383, 385.
powers of,
 in general, 380.
 may receive contributions, 384.
 to purchase historic lands, 384.
duties,
 in general, 381.
 as to reports, 381, 382.

STATE HOSPITAL FOR THE INSANE.

See Insane, State Hospital for.

STATE INSTITUTE FUND.

appropriation, 1392.

STATE INSTITUTIONS.

§ 1. *In general.*

under management of state board of control, 243, 244.
local treasurer of, abolished, 271.
examination by state examiner, 226.
inventory of state property, 1827.
monthly pay rolls, 1813.
duplicate bills for supplies, etc., to be sent to state auditor, 1814.
flags to be displayed on buildings, time, 1820.
lignite coal to be used, 1828.
sexual intercourse with female inmate, felony, when, 9577.
introduction of intoxicating liquor into, prohibited, 10174.

§ 2. *Uniform system of accounting.*

governor authorized to establish in state and county offices and public institutions, 711.
— to employ public accountant, 711.
appropriation for establishment of, 714.
penalty for neglect to use, 712.
general provisions for, 1807-1819.
books, forms, etc., to be used, 1807b, 1807c.
duty of state auditor to assist in establishing, in state institutions, 1807d.

§ 3. *Reports.*

monthly report to governor showing expenditures and contracts for future expenditures, 1823.
to contain list of employees and their salary, 643.
to governor and legislative assembly, time for making, 95.

§ 4. *Officers and employees.*

duties of trustees of, transferred to state board of control, 244.
interested in contracts, penalty, 1825, 1826.
board of trustees to make monthly report to governor showing expenditures, 1823.

INDEX.

(References are to sections.)

STATE INSTITUTIONS — (continued).

- managing board, to appoint a purchasing agent, 1807.
- managing board, to designate an accounting officer, 1807.
- purchasing agent, appointment, 1807.
- duties as to purchasing supplies, 1807.
- accounting officer, duties in general enumerated, 1807a, 1811, 1816.
- treasurer,
 - appointment, bonds, 1808.
 - duties in general enumerated, 1808.
- superintendent, bonds, 1809.
- duties as to care and custody of funds belonging to inmates, 1809.
- storekeeper, duties in general enumerated, 1815.

§ 5. Appropriation, and funds.

- continuance of unexpended appropriation, 1818.
- appropriation of funds in state treasury derived from miscellaneous receipts, 1819.
- funds, custody of, 1809.
- duty of state auditor and treasurer as to, 1810, 1811, 1812.
- emergency fund, provisions for creation, 1821, 1824.
- expense list, monthly expense list, requisites, auditing of, 1816, 1817.
- unlawful to expend or agree to expend amount in excess of the appropriation, 1821, 1822.

STATE LANDS.

See Public Lands.

STATE LAW LIBRARY.

See Library, State Law.

STATE LIBRARY ASSOCIATION.

president of, member of state library commission, 1530.

STATE LIBRARY COMMISSION.

See Library Commission, State.

STATEMENT OF CASE.

- defined, 7655.
- preparation and settlement of, 7655, 7656.
- procedure where judge refuses to settle case, 7657.
- in case of vacancy, 7658.

STATE NORMAL SCHOOLS.

See Normal Schools.

STATE NURSERY.

See Forestry, School of.

STATE SCHOOL OF FORESTRY.

See Forestry, School of.

STATE TREASURER.

§ 1. In general.

- bond, 156.
- sureties, number required, 673.
- salary, 154.
- suspension, 145, 146.
- appointment to fill vacancy caused by suspension, 146.
- removed, when, 146.

INDEX.

(References are to sections.)

STATE TREASURER— (continued).

- moneys belonging to state to be remitted to, 272.
- books to be kept open for inspection, 143.
- no liability, for funds in depositaries, 372.
- prohibited from purchasing warrants of accounts for less face values, 149.
- appropriation for clerk hire, 652.
- fee for registering bonds, 153.
- § 2. *Ex officio.*
 - member of certain boards, 143.
 - member of state auditing board, 375.
 - member of state board of equalization, 2141.
 - commissioner of public printing, 45.
 - member of state board of canvassers, 1011.
 - member of board of teachers' insurance and retirement fund, 1495.
 - treasurer of teachers' insurance and retirement fund, 1498.
- § 3. *Deputy.*
 - appointment of, 701.
 - bond of, 701.
 - oath, indorsement on bond, 703.
 - salary of, 155.
 - qualifications of, 704, 705.
 - liability of treasurer for acts of deputy, 701.
- § 4. *Reports.*
 - to governor, 143, 146.
 - to board of university and school lands, 291.
 - annual report, number to be printed, 66.
 - biennial report, printing of, 59.
- § 5. *Warrants.*
 - registration warrants, 3352-3354.
 - order of warrants, 3352-3354.
- § 6. *Duties.*
 - in general,
 - general duties enumerated, 143, 144.
 - to have monthly settlement with auditor, 643.
 - to deposit redeemed warrants with state auditor, 148.
 - to keep warrant book, 143.
 - to keep warrant register, form of register, 3351.
 - to keep separate account with each fund, 624.
 - to make apportionment of county moneys, 640.
 - to withdraw fund from depositary for refusal to allow examination, 374.
 - as to disbursement of state funds, 641.
 - with respect to hail insurance, 185, 4897.
 - as to funds of state institutions, 1812.
 - as to pay-roll of state institutions, 275.
 - to collect money due to school fund, 291.
 - in respect to inspection of oils, 3059.
 - to keep standard of weights and measures, 3009.
 - relative to trust companies, 5207.
 - to make inventory of twine and cordage plant, when, 11242.
 - as custodian,
 - of funds of state hospital for the insane, 1774.
 - of funds of White Stone hills battle field commission, 390.
 - of funds belonging to academy of science, 1802.
 - of school funds. 290.
 - as to bonds of state and state institutions,
 - with respect to state bonding department, 196.
 - to register state bonds, 151.

INDEX.

(References are to sections.)

STATE TREASURER — (continued).

- as to bonds of state and state institutions — (continued).
- to issue refunding bonds, when, 2276.
- as to payment of interest and principal of state bonds, 152.
- as to bonds issued by soldiers' home, 1791-1794.
- as to north wing capitol bonds, 1797.
- in respect to payment of interest on normal school bonds, 2284.

§ 7. Crimes by.

- speculation in office, punishment for, 10186.
- forfeiture of salary for failure to perform certain duties, 3355.
- failure to perform duties of office, guilty of misdemeanor, 9836.
- issuance of fraudulent tax receipts by, felony, 10258.

STATE TROLLEY LINE.

- construction, operation and repair authorized, 1804.
- appropriation, 1806.

STATE TUITION FUND.

- See Schools and School Districts, § 9.

STATE WEATHER BUREAU.

- appropriation, 652.

STATISTICS.

- assessors to furnish certain data to state statistician, 1903, 1904.
- blanks for, 1905.
- duty of county auditor where assessor fails to make returns of the statistics, 1906.
- compensation of assessors for duties concerning, 1906.
- penalty for officer's neglect of duty, 1907.
- county auditor to furnish certain data to state statistician, 1908.
- duties of state statistician, 164, 169, 1909.
- expenses of, how paid, 1910.
- as to live stock, 169.
- assessed valuation of real and personal property to be tabulated, 169.
- acreage and yield of grain and grasses to be tabulated, 169.
- as to school census, 1195.
- as to fires occurring in the state, 204.
- as to mining and selling coal, 3082.

STATUTE OF FRAUD.

- requirements of, 5887.
- exception to, 5887.
- as to sale of personal property, 5961.
- exceptions as to agreement to manufacture, 5962.
- agreements for sale of realty put in writing, 5963.
- promise by executor or administrator to answer for damages or pay the debts of the decedent out of his own estate, 8815.

STATUTES.

- See Session Laws.

§ 1. In general.

- as an expression of law, 4328.
- things done under authority of, not nuisance, 7231.
- admissibility of, as evidence, 7909.
- judicial notice of, 7938.
- foreign, how proved, 7912.
- private, how pleaded, 7462.

INDEX.

(References are to sections.)

STATUTES — (continued).

private, in criminal actions, how pleaded, 10697.
effect of repeal of, 7316.
repeal of repealing, does not revive, 7315.
injunction to prevent execution of public statute by officers for public benefit, 7214.
minor cannot disaffirm obligation directed by, 4342.
minor cannot disaffirm liability imposed by, 4342.
conflict of, how adjusted, 107.

§ 2. Construction.

of political code, 4318-4324.
of political code where it conflicts with provisions of other codes, 107.
of civil code, 7312.
of code of civil procedure, 7321.
language in code of civil procedure, how construed, 7324.
of the probate code, 8508.
of code of criminal procedure, 11172, 11400.
of penal code, 9201, 10383.
words, how understood, 7278.
words defined by statute have always same meaning, 7279.
of chapter as to the incorporation and government of cities, 3761.
primary election law to be liberally construed, 851.
statute relative to election contests, 1056.
statutes for private improvement of highway to be construed liberally, 1997.
penal, rule of construction of, 11172.

STAY.

of execution on appeal, see Appeal.
of execution, 7687.

STEAMBOATS.

ticket agent must procure license, 4675.
delay in departure of vessel, rights of holder of ticket, 10025.
requisites of passenger tickets on Missouri river, 10026.
— violation, punishment, 10027.
negligence in managing, as misdemeanor, 9708.
death from negligence in navigating, 9494.

STEAM BOILER.

power of cities to provide for their construction, repair and removal, 3599 (48).
power of city to provide for the inspection of, 3599 (51).
regulations for the inspection of, in cities under commission form of government,
3818 (46).
negligence of engineer in management of, misdemeanor, 9709.

STEAM PIPE.

regulation for connecting with steam pipe in street upon improvement of street, 3740.

STENOGRAPHER.

of district court, see Courts, District, § 7.
of supreme court, see Courts, Supreme, § 4.
of county court with increased jurisdiction, see Courts, County with Increased Jurisdiction, § 9.
to take testimony in preliminary examinations, when, 10605.
in criminal cases, duties of, 10824.
fees of, for copies of transcript of proceedings, 7848.

STEP CHILDREN.

support of, by mother's second husband, 4434.

INDEX.

(References are to sections.)

STERILIZATION OF DEFECTIVES AND CRIMINALS.

- person upon whom operation may be performed, 11428.
- procedure, 11429.
- board of medical examination; appointment; compensation, 11430.
- procedure for bringing matter to attention of examiners, 11431.
- conduct of inquiry, 11432.
- power to administer oath to witnesses, 11432.
- form of recommendation to be made by examiner, 11433.
- method of keeping records of proceedings of board of examiners, 11434.
- right to perform operation without bringing matter before examiners, 11435.
- report of operation to board of control, 11435r.
- duty of state's attorney to investigate, convicted of felony, 11436.
- report, 11436.
- liability of surgeon performing operation, 11437.
- duty of medical officer to observe sterilized persons and report, 11438.

STILL-BORN CHILDREN.

- registration of, 440.

STOCK.

- live stock, see *Animals*.
- of corporations, see *Corporations*, § 11.

STOCK DISTRICTS.

- when and how created, 2618.

STOCKHOLDERS.

- See *Corporations*, § 10.

STOLEN PROPERTY.

- buying or receiving as larceny, 9926.
- refusal of pawnbroker to exhibit, 9702.
- bringing into state, jurisdiction of, 10516.
- disposal of,
 - to be held by officer when, 11089.
 - magistrate to give order for delivery, 11090.
 - delivery of, to owner by magistrate, 11091.
 - court may order delivery when, 11092.
- disposal of, when not claimed for six months, 11093.
 - receipt to be given to accused, 11094.
 - duty of clerk or magistrate, 11095.

STONE.

- weight of bushel of, 3006.
- cubic measure of perch of, 3008.

STORAGE.

- deposit for, see *Deposit*, § 5.

STORAGE COMPANIES.

- See *Warehouses*.

STOUT.

- defined, 10157.

STREET RAILWAYS.

- See *Carriers*; *Railroads*; *Railroad Commissioners*, Board of.
- right of way for, 5145.

INDEX.

(References are to sections.)

STREET RAILWAYS — (continued).

- right to take property by eminent domain for, 8203.
- urban electric railways, right of condemnation, 4812.

STREETS.

- as to power of cities over, see Cities, § 6; **Commission Form of Government for Cities**, § 2.
- as to power of villages, see Villages, § 13.
- as to improvement of, in cities, see Cities, § 21.
- as to improvements of, in villages, see Villages, § 17.

STRYCHNINE.

- beverage containing, intoxicating, 10105.

SUBCONTRACTOR.

- in mechanic lien law defined, 6830.

SUBDIVISION.

- as used in code of criminal procedure, includes what, 11180.

SUBORNATION OF PERJURY.

- See Perjury.

SUBPCENA.

- to witness, see Witness.

SUBROGATION.

- of inferior lien holder, 6718.

SUCCESSION.

- definition, 5741.
- property passes to heirs, 5742.
- order of, 5743.
- inheritance by representative, 5758.
- by kindred of one-half blood, 5752.
- by illegitimate child, 5745.
- from illegitimate child, 5746.
- by aliens, 5759.
- how degree of kindred established, 5747.
- lineal and collateral consanguinity defined, 5748.
- ascending and descending lines of kindred, 5749.
- degree in direct line, 5750.
- computation of degrees in collateral line, 5751.
- advancements deducted from share, 5753.
- excess not refunded, 5754.
- advancements defined, 5755.
- expressed value of advancements governs, 5756.
- advancements deducted from issue of person to whom made, 5757.
- procedure for hearing and determining questions as to advancements, 8850.
- dower and curtesy abolished, 5744.
- as mode of acquisition of property, 5468.
- to homestead, 5631.
- descent and distribution of homestead, 5627.
- to title of cemetery lots, 5097.
- future interest passes by, 5277.
- liability of successors to obligations of decedent, 5762.
- successor to realty satisfies mortgage when, 6757.

INDEX.

(References are to sections.)

SUCCESSION — (continued).

- escheats,
 - property passes to state when, 5760.
 - property so passing subject to charges and trusts, 5761.

SUCCESSION TAX.

- See Taxes, § 25.

SUICIDE.

- defined, 9449.
- attempting suicide, defined, 9450.
- advising and aiding suicide, acts constituting, 9451.
- furnishing weapon or drug, 9452.
- aiding attempt, 9453.
- incapacity no defence, 9454.
- aiding suicide, punishment, 9455.
- attempting suicide, punishment, 9456.
- aiding in attempt to commit, death must occur within one year, 9500.
- when no defence to life insurance policy, 6633.

SULPHUROUS ACID.

- use of, in foods as adulteration, 2880.

SUMMARY PROCEEDINGS.

- relief of persons confined in jail on civil process,
 - discharge authorized, 8483.
 - notice of application, 8484.
 - how served, 8485.
 - hearing, 8486.
 - oath of prisoner, 8487.
 - certificate of discharge, 8488.
 - exemption from further arrest, extent of, 8489.
 - judgment remain against estate, 8490.
 - prison costs, 8491.
 - discharge by plaintiff, 8492.
 - creditor to advance prison costs, 8493.
 - application for discharge, how may be made, 8494.
 - appeal, 8495.
 - submitting of controversy without action,
 - requisites of the case, 8480.
 - entry of judgment, 8481.
 - enforceability of judgment, 8482.
- See also Confession of Judgment.

SUMMONS.

§ 1. *In general.*

- requisites of, 7421.
- form of, 7422.
- contents of, 7423.
- form of, in justice's court, 9021.
- in garnishment in justice's court, form of, 9064.
- in juvenile court, 11407.
- form of, to information, 10633.
- in actions of eminent domain, 8209.
- in partition action, to whom directed, 8028.
- in proceedings after judgment, 7850-7852.
- against corporations in criminal proceedings; form and service of, 11079, 11080.
- sheriff fees for serving, 3514.
- chapter on notices not applicable to, 7960.

INDEX.

(References are to sections.)

SUMMONS -- (continued).

§ 2. Service of.

- service of summons as commencement of action, 7383.
- personal service of, how made, 7426.
- by whom served, 7427.
- acceptance of service of, 7436.
- proof of service of, 7436.
- of summons on unknown defendants in action to quiet title, 8150.
- service of, by publication, how made, 7428.
- mailing summons and complaint where service is by publication, 7430.
- service of, by publication, number of publications, 7429.
- when service by publication completed, 7433.
- proof of service of, by publication, 7436.
- personal service sufficient although order of publication is made, 7431.

SUN.

- judicial notice as to time when sun rises and sets, 7938.

SUNDAY.

- See Sabbath Breaking.
- as holiday, 7297.
- judicial notice of the observance of, 7938.
- courts not open on, 7338.
- jurisdiction of magistrate on, 7338.
- acts prohibited upon, 9232, 9233, 9235.
- manufactures prohibited on, 9239.
- when act required to be done by negotiable instrument act falls on Sunday, 7678.
- barbering on, prohibited, 567.
- selling liquor on vessel on, 10143.
- acts that may be done by village justice of the peace on Sunday, 3924.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

- See Schools and School Districts, § 22.

SUPERIOR GRAIN AND WAREHOUSE COMMISSION.

- See Warehouses.

SUPERVISORS.

- township supervisors, see Townships, § 11.

SUPPLEMENTARY PROCEEDINGS.

- exemption of debtors for discovery; procedure, 7777.
- payment to sheriff by debtor's debtor, 7778.
- exemption of debtor's debtor, 7779.
- attendance of witnesses compelled, 7780.
- hearing before judge or referee, 7781.
- property applied; wages exempt, 7782.
- receiver appointed, 7783.
- transfers enjoined, 7783.
- record of order, 7784.
- procedure on adverse claims, 7785.
- when reference ordered, 7786.
- allowance of witness's fees and disbursements, 7787.
- punishment for contempt, 7788.

SUPPLIES.

- for state institution, 280, 281.

INDEX.

(References are to sections.)

SUPREME COURT.

officers and proceedings in, see Courts, Supreme.
as to clerk, see Courts, Clerks of, § 1.

SURETY.

See Principal and Surety.

SURETY COMPANIES.

See Insurance, § 10.

SURGEONS.

See Physicians.

liability of, for participation in duel, 9537.

at duel, guilt of, 9483, 9486.

liability of, for performing operation of sterilization, 11437.

SURPLUS.

distribution of, on life insurance policies, 4378.

on execution sale to be paid to defendant, 7749.

SURPRISE.

as ground for new trial, 7660.

SURVEY.

judicial notice of, 7938.

of public land to be made when, 310.

form of surveys to be made by county surveyor, 3433.

city and town plats, general provisions for making, 3942-3958.

surveys in disputed cases to be made by disinterested persons, 3437e.

SURVEYOR.

See County Surveyor.

SWINE.

See Animals.

SYLLABUS.

of supreme court decisions to be written by court, 7343.

TALC.

use of, in candies prohibited, 2880.

TAR.

power of cities to regulate and prevent the storage of, 3599 (50).

power of cities under commission form of government to regulate and prevent the storage of, 3818 (45).

TAX COMMISSION.

See Taxes, § 15.

TAX DEEDS.

See Taxes, § 24.

TAXES.

as to road taxes, see Highways, §§ 10, 11.

special assessments for public improvements in cities, see Cities, § 23; in villages, see Villages, § 17; in towns, see Towns, § 1; in townships, see Townships, § 15.

taxation of banks, see Banks and Banking, § 5.

INDEX.

(References are to sections.)

TAXES — (continued).

- for drains, see Drains, § 5.
- lien of, see Liens, § 9.
- § 1. *In general.*
 - as lien upon homestead, 5607.
 - apportionment of taxes among state educational institutions, 1419.
 - who deemed to be manufacturers, 2109.
 - who deemed to be merchants, 2108.
 - validity of, taxes invalid when, 2314.
 - property omitted, taxes to be added to subsequent year's taxes, 2217.
 - tax receipts, what to specify, 2157.
 - issuance of false tax receipt, felony, 10258.
 - shipment of emigrant movables, tax receipt required, 2180.
 - duty of county court to ascertain that all taxes levied upon personal property of decedent have been fully paid, 8848.
 - abbreviations in describing lands sufficient, 2215.
 - no instrument admitted to record without payment of taxes, 2212.
 - property to be held to belong to lessee or equitable owner, when, 2118.
 - false statements regarding, 9848.
 - disposition of bridge taxes collected in incorporated cities, towns and villages, 4051.
- § 2. *Taxable property.*
 - as to exemptions, see *infra*, § 3.
 - definition of term used in act, 2074.
 - property subject to taxation, 2075, 2078.
 - real property defined, 2076.
 - personal property defined, 2077.
 - classes of property subject to, 2103.
 - on grain,
 - rate fixed, 2256, 2257.
 - duty of county auditor, 2258.
 - tax apportioned, 2259.
 - on live stock of non-resident owner,
 - amount of, 2227.
 - collection of by seizure, 2227.
 - on insurance companies, 4924.
 - on fire insurance companies,
 - for fire marshal department, 216.
 - for fire departments, 3993-3998.
 - of fraternal beneficiary societies, 5089.
 - of school lands contracted to be sold, 325.
 - validating future tax levies,
 - when valid, 2239.
 - when invalid, 2240.
 - portion of taxes valid, 2241.
- § 3. *Property exempt from taxation.*
 - in general, 2078.
 - all property belonging to the United States, 2078.
 - property of city, 3758.
 - cemeteries, 2078.
 - cemetery lots, 5099.
 - public school houses and institutions of learning, 2078.
 - property of independent school district, 1309.
 - all buildings for county purposes, 2078.
 - all county, township or town property used for support of poor, 2078.
 - all charitable institutions, public or private, 2078.
 - all dormitories and boarding halls used for educational and charitable purposes, 2078.
 - all county and municipal property used for public purposes, 2078.

INDEX.

(References are to sections.)

TAXES — (continued).

individual personal property to the extent of fifty dollars, 2078.
all personal and real property owned by charitable associations known as posts, lodges, etc., 2078.
all real and personal property belonging to agricultural fair associations, 2078.
religious property, 2079.
exempt property to be valued and assessed, 2219.
from inheritance, 8977, 8999.

§ 4. *Manner of listing property.*

time when valuation of property is to be fixed, 2093.
manner of listing personal property, 2094.
place of listing personal property, 2095.
property of stage companies, where to be listed, 2096.
gas, water, telegraph and telephone companies, where to be listed, 2097.
telephone property where listed, 2114.
telegraph property where listed, 2114.
street railway companies where to be listed, 2098.
non-residents' farm property where to be listed, 2099.
personal property moved between April 1st and June 1st where to be listed, 2100.
place of listing, how decided in case of doubt, 2101.
list of personal property to be made under oath, 2102.
bank stock where and at what valuation to be listed, 2115.
bank to furnish list of stockholders, 2116.
tax on bank stock to be a lien on dividends, 2117.
making false statements as perjury, 9374.
duty of auditor to correct false lists and returns, 2216.

§ 5. *Assessment.*

assessments when and how made, 2127.
statement of personal property to be made by owner, 2128.
duty of assessor in case of sickness or absence of owner, 2129.
duty of assessor where owner refuses to make list, 2130.
number or name of school district to be given where property is assessed, 2131.
duty of assessor on failure to receive assessment, 2127-2132.
property to be assessed at full value, 2122.
value of property, how fixed, 2103.
valuation to be made by assessors, 2103-2122.
examination under oath by assessor, 2107.
assessment in unorganized counties,
 manner of, 2225.
 duplicate tax list, 2226.
agreement for false assessment, misdemeanor, 9831, 9833.
to be raised only on notice, 2133.
city assessment roll, duty of county commissioners to accept, 3646.
duty of county auditor in respect to assessments, 2123.
exempt property to be valued and assessed, 2219.
property of companies or associations how and by whom assessed, 2110.
assessment of grain in warehouses, 2111.
 lien of agent or warehouse man for taxes, 2112.
 penalty for failure to make true statement, 2113.
assessment of coal mines,
 assessors to list coal mines, 2119.
 assessors to list coal mines, when, 2119.
 county auditor to furnish list to assessor, 2120.
 delinquent tax sale, 2120.
range stock where to be assessed, 2104.
 intentional undervaluation, penalty for, 2105.

INDEX.

(References are to sections.)

TAXES— (continued).

- railroads how assessed, 2242.
 - apportionment to county according to mileage, 2243.
 - mileage and valuation, how certified to various political subdivisions for taxation, 2244.
 - taxation in unorganized counties, 2245.
 - provisions of this article when inoperative, 2246.
 - assessment of public service corporation,
 - method of assessment of express, telegraph, telephone, freight line and equipment companies, 2144, 2247.
 - valuation, how apportioned, 2145.
 - state auditor to certify mile of line and valuation, 2146.
 - valuation in unorganized counties, 2147.
 - of public utilities,
 - express, freight lines and equipment, telegraph and telephone companies, defined, 2247-2252.
 - bankrupt stocks, how assessed, 2253.
 - proceedings by state counsel, 2254.
 - assessment by township assessor, 2255.
 - erroneous assessment, how and by whom corrected, 2163.
 - tax paid by mistake, correction of, 2164.
 - assessments validated,
 - assessments since 1889 validated, 2232.
 - expenses, 2233.
 - fatal defects enumerated, 2234.
 - portion of certain taxes to be valid, 2235.
 - valid taxes, when delinquent, 2236.
 - taxes held valid, accepted, 2237.
 - validating future assessments, 2238.
 - irregularity of tax levy of 1895-1900 legalized, 2228, 2229.
 - assessments and levies in certain unorganized counties legalized, 2230.
 - how collected, 2231.
- § 6 *Rate of taxation.*
- taxes to be levied in specific amounts, 2148.
 - rate of taxation how determined, 2148.
 - county auditor to acknowledge receipt of tax levy, 2149.
 - electors may vote sums of money for road work, 2151.
 - rate of state tax, 2150.
 - of county tax, 2150.
 - of road and bridge tax, 2150.
 - for emergency purposes, 2150.
 - for county sinking fund, 2150.
 - of tax on grain, 2256.
 - tax list to be made out by county auditor, 2152.
 - certificate of county auditor in tax book, 2153.
 - tax lists, when to be delivered to treasurer, 2154.
 - duties entailing taxation beyond legal rate, void, 2218.
- § 7. *Collection.*
- as to duties of county treasurer in respect to collection of taxes, see *County Treasurer*, § 5.
 - as to tax sales, see *infra*, § 22.
 - county treasurer ex officio collector of taxes, 2156, 3342.
 - for cities, 4047.
 - for villages, 3876.
 - road warrants to be received in payment of taxes, 3356.
 - right to make partial payment of taxes, 3358.
 - procedure for collection of road poll tax, 1964-1967.
 - collection of drain taxes, 2474.

INDEX.

(References are to sections.)

TAXES — (continued).

- abatement of taxes, how made, 2169.
- delinquent personal property taxes,
 - when due, 2166.
 - penalty for failure to pay, 2166.
 - distress for, 2166.
 - sheriff to file tax receipts, form of, 2167.
 - penalty for failure of sheriff to act, 2168.
 - list of uncollected taxes, how disposed of, 2169.
 - removal or disposal of personal property on which taxes are unpaid, a misdemeanor, 2170.
 - lien of state and county for personal taxes, 2171.
 - actions for the collection of personal taxes, 2172.
 - contract for the collection of delinquent personal taxes, 2173.
 - lien for delinquent personal taxes, 2174.
 - negligence or refusal of sheriff to act, penalty, 2175.
 - removal of delinquent taxpayer to another county, 2176.
 - duty of auditor, 2176.
 - manner of collecting from such person, 2177.
 - fees of sheriff, 2178.
 - payment of taxes after judgment, duty of treasurer, 2179.
 - settlement between treasurer and auditor, 2180.
 - accounts to be kept by auditor and treasurer of township, 2181.
 - when treasurer to pay over funds collected, 2182.
 - county responsible for state taxes, 2183.
 - liability of county treasurer, 2183.
 - county treasurer's final settlement, how made, 2184.
- delinquent real estate taxes,
 - penalty and interest, 2185.
 - taxes as a perpetual lien upon the property, 2186.
- delinquent, adjustment of tax due to state from county,
 - duty of state tax commissioner to make examination when material discrepancies are found, 2269.
 - statement of tax charged against counties to be issued by state auditor, 2270.
 - duty of board of county commissioners to issue statements of unpaid taxes, 2271.
 - abatements of taxes charged against county, how allowed, 2277.
 - abatements allowed, for what reason, 2273.
 - consolidated tax account, 2274.
 - attorney-general to enforce payment of, 2275.
- § 8. *Of property which had escaped taxation.*
 - when assessment omitted, 2291.
 - auditor to make list of, 2292.
 - duty of county commissioners, 2292.
 - publication of notice of assessment and levy, 2292.
 - meeting of county commissioners, 2293.
 - duty of county commissioners to ascertain cash value, 2294.
 - duty of state board of equalization, 2295.
 - list returned to county auditor, 2296.
 - authenticated by county auditor, 2297.
 - taxes constitute lien on property, 2298.
 - notice of application for judgment of unpaid taxes to be published, 2299.
 - form of application, 2300.
 - filing of application and proof, 2301.
 - objections filed, 2302.
 - costs, 2302.
 - duties of officers in respect to sale of property, 2303.
 - moneys received, how accounted for, 2304.
 - construction of article, 2304.

INDEX.

(References are to sections.)

TAXES — (continued).

- § 9. *Taxing officers and boards.*
 city assessor, see Assessors, § 2.
 village assessor, see Assessors, § 3.
 township assessor, see Assessors, § 4.
 district assessor, see Assessors, § 5.
 as to duties of county treasurer in respect to collection of taxes, see **County Treasurer**, § 5.
 suits against officers defended at expense of county, 2221.
 neglect of duty of officers, 2220.
 state commissioner of taxation,
 duty to examine and adjust tax list of counties, 2269.
- § 10. — *state board of equalization.*
 how constituted, 2141.
 state treasurer ex officio member, 143.
 state auditor ex officio member, 132.
 attorney-general ex officio member, 157.
 meetings of, 2141.
 rules for equalization, 2141.
 record of proceedings to be published, 2142.
 synopsis to be sent to county auditors, 2142.
 duty of county auditor after equalization by state board, 2143.
 duties of,
 to assess railroad property, 2242.
 as to assessment of public utilities companies, 2249.
 as to gas, water, telegraph and telephone companies, 2097.
 in respect to assessment of property which had escaped taxation, 2295.
 to levy tax to pay interest on bonds issued by state hospital for the **insane**, 1773.
 to levy tax to pay interest on soldiers' home bonds, 1793.
 to levy tax for bovine tuberculosis fund, 2710.
 to levy tax for wolf bounty law, 2652.
 to levy tax for killing glandered animals, 2736.
- § 11. — *county board of review and equalization.*
 county commissioners to act as, 2138.
 duties, 2138.
 town and municipal officers to advise with board, 2139.
 corrected lists, abstracts for state auditor, 2140.
 non-resident to be heard by county board, 2133.
- § 12. — *town board of review.*
 membership of, 2133.
 matter of, 2133.
 duties of, 2133.
 complaints and grievances, 2133.
 notice of meeting to be posted, 2134.
 assessors' statement and return to auditors, 2134.
 auditors to be given list of persons sick or absent, 2136.
 auditor to examine assessment books and have returns corrected, 2137.
- § 13. — *city board of equalization.*
 members, 3643.
 meetings,
 time of holding, 3643.
 effect of failure to hold meeting, 3646.
 record of proceedings, by whom kept, 3643.
 duties in general, enumerated, 3644, 3645.
- § 14. — *village board of equalization.*
 how constituted, 3872.

INDEX.

(References are to sections.)

TAXES — (continued).

meeting, time of holding, 3872.
powers and duties in general enumerated, 3873.
complaints and grievances as to assessments, 3873.
record of proceedings, 3873.

§ 15. *Tax commission.*

creation of, 2080.
appointment of, 2081.
term of office of, 2081.
vacancy in, how filled, 2082.
qualification of members of, 2083.
oath of office of, 2084.
salaries of, 2085.
organization of commission, 2085.
appointment and salary of secretary, 2085.
quorum, 2085.
time and place of meetings, 2085.
employees of,
 secretary, 2085.
 appointment and salaries of assistants, 2086.
rules, 2086.
expenses of, supplies and travel, 2087.
powers and duties of, in general enumerated, 2088.
legal proceedings under, 2089.
method of reassessment, 2090.
appointment of assessor, 2090.
appropriation to, 2092.
constitutionality of act, invalidity of part, 2021.

§ 16. *Taxes for special purposes.*

for road purposes, see Highways, §§ 10, 11.
in cities, see *infra*, § 17.
in villages, see *infra*, § 18.
in townships, see *infra*, § 19.
in towns, see *infra*, § 20.
for school purposes, see *infra*, § 21.
for bonded indebtedness and sinking fund,
 state board of equalization to levy tax for bonded indebtedness, 2281.
 taxes levied for interest on normal school bonds, 2282.
 taxes levied for sinking fund for normal school bonds, 2283.
 duties of state treasurer, 2284.
 for payment of state revenue bonds, 2285–2290.
 for interest on state refunding bonds, 2278.
 to pay interest on bonds issued by state hospital for the insane, 1773.
 to pay interest on bonds issued for soldiers' home, 1793.
 for payment of bonds upon the organization of a new county, 3225.
 to pay interest and principal of county bonds, 3453.
 — county building bonds, 3465.
 — county bonds for purchase of seed grain, 3476.
for promoting immigration to the state, 3277, 3278.
for support of poor, 2539.
for purchase of poor farm, 2533.
for support of insane persons, 2572–2578.
for purchase of seed grain, 3481.
for the destruction of gophers, 2260.
for the promotion of diversified farming, 2263–2265.
for the prevention of tuberculosis, 2262–2268.
for bovine tuberculosis fund, 2710.
for wolf bounty, 2652.

INDEX.

(References are to sections.)

TAXES — (continued).

to pay for killing of glandered animals, 2736.
for aid of county fairs, 1867-1869.
police tax in unorganized towns and villages, 3908, 3909, 3913.

§ 17. *City taxes.*

power of city council to levy and collect for city purpose, 3599 (3).
— of city commissioners in cities under commission form of government, 3818 (2).
assessments of city property, 4044.
levy, how and when made, 3680, 4045.
— county board to make levy, when, 2260.
tax list, duty of county auditor as to, 4046.
collection by county treasurer, 4047.
for public improvement where there is a deficiency in assessment funds, 3716.
to pay judgments rendered against city, 3681.
to pay interest on bonded indebtedness, 4038.
to create a sinking fund to pay bonded indebtedness, 4039.
for city refunding bonds, 4023.
to create a fund for school purposes, 4040.
to create a fund for general municipal purposes, 4041.
insurance tax for fire department in cities, 3993-3998.

§ 18. *Village taxes.*

assessment, 3871.
levy, when made, 3874.
to be collected by county treasurer, 3876.
duty of county auditor in making out tax list, 3875.
to pay judgments rendered against villages, 3868.
road taxes,
 amount of, assessments, 3883.
 right to pay in work or cash, 3884.
 notice of the time and place where work is to be performed, 3886.
 list of delinquent taxes to be furnished county auditor, 3887.
 powers and duties of village officers in regard to levy, collection and expenditure of, 3888.
 right to expend for improvement of public highways outside of the corporate limits, 3888.
for the building or repairing of streets and sidewalks, 3896, 3897.
special taxes for improvement of streets and sidewalks,
 cost that may be included in special tax, 3878.
 how collected, 3879.
 lien, 3877.
special tax for payment of water and light plant, 3880.
insurance tax for fire department in villages, 3993-3998.
to pay interest and principal of refunding bonds, 4035.
to create a sinking fund to pay bonded indebtedness, 4039.
to create a fund to pay interest upon the existing bonded indebtedness, 4038.
to create a fund for school purposes, 4040.
for the creation of a fund for general municipal purposes, 4041.
police tax in unorganized towns or villages, 3908, 3909, 3913.

§ 19. *Township taxes.*

assessments and returns, law governing, 4212.
assessment and levy of taxes in townships which have been dissolved, 4280.
for establishing a system of irrigation in townships, 4263, 4264.
for paying interest and principal of bonds issued by the township, 4256.
for interest and principal of refunding bonds, 4035.
to provide for cancellation of refunding bonds, 4260.

§ 20. *Town taxes.*

insurance tax for fire department in towns, 3993-3998.

INDEX.

(References are to sections.)

TAXES—(continued).

- certain towns authorized to levy taxes,
 - to create a fund to pay interest upon existing bonded indebtedness, 4038.
 - to create a sinking fund to pay bonded indebtedness, 4039.
 - to create a fund for school purposes, 4040.
 - to create a fund for general municipal purposes, 4041.
- police tax in unorganized towns, 3908, 3909, 3913.
- § 21. *School taxes.*
 - for maintenance of state educational institutions, 1416, 1743.
 - for agricultural training school, 1456, 1470.
 - in adjoining counties, 1467.
 - power of school board to levy taxes, 1182.
 - to be uniform, 1227.
 - levy, 1222.
 - to pay judgment against school district, 1223.
 - maximum levy to pay judgment, 1227.
 - to pay indebtedness of school district where there is no legal school board, 1228.
 - poll tax for public schools, 1224.
 - for interest and principal of refunding bonds, 4035.
 - to pay bonded indebtedness of original school district upon establishing special school district, 1238.
 - in special school districts, 1238.
 - annual school tax in, 1258.
 - taxable property, 1257.
 - to pay interest on bonds, 1276.
 - to create a sinking fund for the redemption of bonds, 1276.
 - levy and collection of taxes in independent school district, 1301.
 - amount of tax, 1302.
- § 22. *Sales for nonpayment of taxes.*
 - of personal property,
 - when and how conducted, 2166.
 - of real property,
 - auditor's notice of sale, 2189.
 - publisher thereof to give bond, 2189.
 - penalty and interest, disposition of, 2190.
 - auditor to sell at public vendue, 2191.
 - certificate of sale of each parcel, 2192.
 - certificate of sales as evidence that laws were duly carried out, 2193.
 - limitation of action to quiet title, 2194.
 - tax sale record, 2195.
 - who may not purchase, 2196.
 - effect of purchase by owner, 2196.
 - redemption of real estate, 2197.
 - warrants to be drawn for money due owners, 2198.
 - rights of purchaser when land is not redeemed, 2199.
 - void sales, void taxes, repayment, 2200.
 - irregularity does not annul tax, 2201.
 - sale of property paid in for the county, 2202.
 - form of assignment, 2203.
 - deed to be given on sale of forfeited real estate, 2204.
 - county auditor to execute deeds to persons entitled thereto, 2205.
 - of coal mines, 2121.
 - of property for delinquent special assessment for public improvement, 3733.
 - property sold to state or county for taxes,
 - county commissioners to institute and conduct proceedings for sale of property sold for taxes, 2306.
 - county auditor to make lists of lands sold to state or county, 2307.
 - contents of list, 2307.

INDEX.

(References are to sections.)

TAXES — (continued).

property sold to state or county for taxes — (continued).

duty of county clerk to give notice of proceedings, 2308.

county auditor to publish list, 2309.

publisher to make affidavit of due publication, 2309.

answer of defence, 2310.

judgment,

county clerk to enter, 2311.

form of judgment, 2311.

commissioners to employ attorney when, 2312.

case to be disposed of by court, 2312.

judgment against land when, 2313.

lists filed with clerk, prima facie with title, 2314.

tax invalid when, 2314.

taxes paid before sale, 2313.

judgment against land after hearing, when, 2313.

judgment final; exceptions, 2313.

tax judgments duty of clerk of court, 2313.

sheriffs to sell land when, 2318.

sale by public vendue how, 2319.

sheriff to execute certificate to purchaser, 2320.

redemption, notice to retain, how given, 2321.

auditor not to extend notations for regular tax sale against lands sold under judgment for same, 2322.

auditor to erase, cancel, and annul notations, 2323.

certificate of sale to be evidence of compliance of the law relative to sale, 2324.

duty of sheriff after sale, 2325.

lands bought by county not to be sold for subsequent taxes, 2326.

auditor to assign right to unredeemed lands, 2327.

form of assignment, 2327.

redemption how, 2328.

minors, insane persons, etc., to redeem when, 2329.

procedure in redemption, 2331.

person in possession may redeem when, 2332.

fees of clerk of court, 2333.

county commissioners to award advertising how, 2334.

clerk delivering transcript of judgment of sale to sheriff, when, 2335.

fees of sheriff, 2336.

purchaser entitled to possession when, 2337.

purchase price to be refunded when sale declared void, 2338.

judgment to bar interest, rate, 2339.

proceedings where interest derived from sale has been assigned, 2340.

record of certificates, force and effect of, 2341.

local assessment to be deemed taxes, 2342.

duty of clerk to preserve all papers connected with case, 2343.

proceedings how often resorted to, 2344.

powers of county commissioners to forfeit lands not limited, 2345.

valid judgments not waived, 2346.

§ 23. Redemption.

of real estate, 2197.

notice of expiration of redemption, 2223.

where owner dies after sale, 2224.

of lands bid in for county, 2202.

of property sold to state or county,

notice to retain, how given, 2321.

how made, 2328.

who may redeem, 2329, 2332.

procedure, 2331.

INDEX.

(References are to sections.)

TAXES — (continued).

§ 24. Tax deeds.

- execution of, 2206.
- form of, 2206.
- effect of, 2206.
- county auditor to keep tax deed record, 2207.
- certified copy, prima facie evidence, 2208.
- fees of auditor, 2209.
- taxes paid by occupant or tenant, 2210.
- taxes paid by mortgagees or others having liens, 2211.
- duty of county auditor as to tax deeds, 2212.
- division of valuation where part of tract is transferred, 2213.
- irregularities of land to be platted into lots, 2214.

§ 25. Inheritance tax.

- transfers subject to tax, 8976.
- exemptions, 8977, 8999.
- rates, 8977.
- when due and payable, 8978.
- duty of administrator, executor or trustee as to payment of tax, 8979, 8984.
- to whom paid, 8980, 8986.
- lien of tax, 8981.
- interest for delay in payment, 8982.
- right of administrator, executor or trustee to sell property to pay tax, 8983.
- personal liability of administrators, executors and trustees for payment of tax, 8981.
- power of administrator, executor or trustee to collect tax by suit against heirs or devisees and legatees, 8984.
- duty of heirs and devisees as to payment of tax, 8984.
- procedure for correction of errors and refunding amount erroneously paid; limitation, 8985.
- effect of failure to pay tax upon validity of transfers of property, 8986.
- duty of holders of assets of decedent to notify tax officers, 8987.
- duty of county court to determine value of inheritance upon granting letters, 8988.
- reassessment of tax, 8995.
- duty of state's attorney to enforce payment of tax, 8996.
- records, how kept, 8997.
- reports to state auditor, 8998.
- appraisers,
 - appointment, 8989.
 - fees and compensation, 8991.
 - duties of appraisers, 8990, 8991.
 - reports of appraisers, 8992.
 - penalty for receiving reward, 8993.

TAX SALES.

See Taxes, § 22.

TEACHERS.

in public schools, see Schools and School Districts, § 16.

TEACHERS' INSTITUTE AND TRAINING SCHOOL.

See Schools and School Districts, § 17.

TEACHERS' INSURANCE AND RETIREMENT FUND.

See Schools and School Districts, § 19.

TEACHERS' READING CIRCLE.

See Schools and School Districts, § 18.

INDEX.

(References are to sections.)

TELEGRAPH COMPANIES.

as common carriers, see Carriers.

§ 1. *In general.*

telegraph companies within application of article regulating common carriers, 4700.

contents of articles of incorporation of telegraph construction company, 4500.

judicial notice of the telegraph, 7938.

assessment of, 2144.

personal property of, where to be listed, 2097.

right to take property by eminent domain for telegraph, 8203.

measure of damages for breach of obligation to accept messages, 7160.

§ 2. *Poles.*

powers of the cities as to telegraph poles, 3599 (17).

regulations in cities under commission form of government, 3818 (7) (11).

as to regulations of, in villages, 3861 (11).

§ 3. *Arrest by telegram.*

transmission of warrant of arrest by, 10580-10582.

arrest directed by, 10583-10584.

§ 4. *Crimes in relation to.*

unlawful use of or interference with telegraph lines, felony, 10231.

maliciously injuring line of, misdemeanor, 10043.

disclosing telegraph dispatch, misdemeanor, 10078.

secreting dispatch, misdemeanor, 10079.

TELEPHONE COMPANIES.

as common carriers, see Carriers.

§ 1. *In general.*

defined, 2247.

telephone companies within application of article regulating common carriers, 4700.

judicial notice of the telephone, 7938.

right of way for telephone line, 5144.

contents of articles of incorporation of telephone construction company, 4500.

personal property of, where to be listed for taxation, 2097.

taxation on property of, 2114.

assessment of, 2144.

measure of damages for breach of obligation to accept messages, 7160.

right to take property by eminent domain for telephone, 8203.

duty of railroad company to maintain telephone connections, 4784.

§ 2. *Report of, relative to location of lines and property.*

maps and information to be filed with county auditor, 4813-4815.

county auditor to send each county accurate maps of county, 4814.

county auditor to report to state auditor relative to telephone companies, 4810.

telephone companies to report to state auditor, 4817.

maps, when to be filed, 4818.

duty of newly organized companies, 4819.

duty of county and state officers as to report of telephone companies, 4820.

penalty, 4821.

§ 3. *Poles.*

powers of the city as to telephone poles, 3599 (17).

regulations in city under commission form of government, 3818 (7) (11).

regulations affecting telephone poles in villages, 3861 (11).

§ 4. *Crimes in relation to.*

obscene language over, penalty for using, 9230.

maliciously injuring line of, misdemeanor, 10043.

unlawful use of or interference with telephone line, felony, 10231.

INDEX.

(References are to sections.)

TEMPERANCE COMMISSIONERS.

§ 1. *In general.*

- appointment, 611.
- salary, 611.
- qualifications, 612.
- bond, 615.
- expenses, how paid, 616.
- taxation of cost in actions by temperance commissioner, 617.
- local officers not relieved from duty of enforcing temperance laws by provision for temperance commissioners, 619.
- removal from office, 620, 621.
- office, when suspended, 621.
- appropriation, 622.
- clerks, salary, 611.

§ 2. *Deputies.*

- powers, qualifications and appointment, 613.
- bond, 615.
- compensation, 616.

§ 3. *Special enforcement sheriffs.*

- appointment, 614.
- compensation, 616.
- bond, 615.

§ 4. *Powers.*

- to have same powers as state attorneys, 612.
- to employ clerks, 611.
- where local authority fails to enforce temperance laws, 618.

TENANT.

See Landlord and Tenant.

TENANTS IN COMMON.

See Common Tenancy.

TERM OF OFFICE.

See Office, § 2.

TERRA ALBA.

use of, in candies prohibited, 2880.

TESTIMONY.

See Evidence.

TEXAS CATTLE.

See Animals, § 6.

THEATERS AND SHOWS.

- doors of theaters to swing out, 2995.
- width of doors in theaters, 2995.
- to be closed upon Sunday, 9231.
- power of cities to regulate places of amusement, 3599 (43).
- power of cities to license, tax, regulate and prohibit theaters, 3599 (30).
- licenses, taxes and regulations in cities under commission form of government, 3618 (23),
- licenses, taxes and regulations in villages, 3861 (4).

THIRD PERSON.

- defined, 7296.
- right of, to enforce contract made for his benefit, 5841.

INDEX.

(References are to sections.)

THREAT.

trustee not to obtain advantage over beneficiary by, 6281.
partner not to obtain advantage by, 6396.
what threats constitute extortion, 9944.
sending letters containing, as extortion, 9948.
preventing religious act by, misdemeanor, 9246.
to compel form of belief, 9245.
preventing meeting of electors by, misdemeanor, 9270.
preventing electors from voting, penalty, 9272.
disturbance of election by, misdemeanor, 9273.
to publish libel, misdemeanor, 9559.

THRESHING.

regulations of threshing operations to prevent spread of noxious weeds, 2821-2823.
liens for, 6854-6856.
placing dangerous substance in material to be threshed, how punished, 10261.

TICKETS.

acceptance of, assent to what, 6242.
damages for delay when, 10025.
requisites of, 10026, 10027.
larceny of passage, 9922.

TICKET SCALPER.

power of city to license, tax, regulate and prohibit, 3599 (30).

TIE VOTES.

how decided, 1009.

TIMBER.

on school lands, destruction prohibited, 345, 348.
removal of dead and down timber on school and public land, 348.
measure of damages for wrongful injuries to timber or wrongful removal thereof, 7176.
injuring, punishment for, 10064.

TIME.

prescribed by code of civil procedure, how computed, 7324.
method of computing time for service of notice by mail issued by county court, 8559.
method of computing time for publication of notices in county court, 8559.
computation of time with reference to proceedings governed by probate code, 8511.
hour intended in a citation, notice or order of the county court when no particular hour is specified, 8593.
judicial notice as to, 7938.
when essence of contract, 5805, 5807.
rules governing time of performance of contracts, 5917, 5918.
for amending pleadings may be enlarged, 7483.
for motion for new trial, hearing thereof, 7664.
of offence, how alleged, 10689.
for rendering judgment in criminal actions, 10924, 10925.

TIMOTHY SEED,

weight of bushel of, 3006.

TIRES.

rubber tires or casings for motor vehicles to be marked, 9975, 9976.

INDEX.

(References are to sections.)

TITLE.

See Abstracts of Title.
affidavits do not require, 7964.
of action to be stated in complaint, 7440.
transfer vests title in transferee, 5508.
of real estate determined in partition action, 8031.
by possession, when, 5471.
— for twenty years, 6778.
of real property not triable in justices' court, 9055.
to school lands, passes by patent, 323.
of school land in state until contract performed, 320.
after-acquired title subject to mortgage, 6721.
from execution sale, not defeated by reversal of judgment, 7766.
to devised property passes, when, 5726.
sale of personalty warrants, 5975.
transfer of personalty passes title when, 5535-5537.
loan for use, no transfer of title, 6051.
loan for exchange transfers, 6064.
lien does not transfer, 6709.
of goods in storage, passes how, 3142.
claim of, as defence in embezzlement, 9938.
buying pretended, unlawful, 9406.

TITLE DEEDS.

as property, 5467.

TOBACCO.

adulteration, prohibited, 9799.
penalty, 9800.
use by minors, prohibited, 9801.
unlawful to congregate minors to use, 9802.
offense, how investigated, 9803.

TOILET ROOMS.

to be provided in railroad station, 4660.
to be provided in food producing establishments, 2966.
in school buildings, 1491.

TOLLS.

by wagon road corporation limited, 4931.
to be charged by wagon road corporations, 4824-4829.
for use of bridges, 4996, 4999-5001.
right to take property by eminent domain for toll roads, 8203.
right of persons belonging to military forces of the state to free passage through toll gates, 2429.
penalty for running toll gates, 2061.
injury to toll gates, felony, 10041.

TORPEDOES.

power of cities to regulate and restrain the use of, 3599 (50).
power of cities under commission form of government to regulate and prevent use of, 3818 (45).

TOURNAMENT.

of North Dakota Firemen's Association, 1841.

INDEX.

(References are to sections.)

TOWN BOARD OF REVIEW.

See Taxes, § 12.

TOWN EMBRACING TERRITORY IN MORE THAN ONE COUNTY.

See Towns, § 3.

TOWN PLATS.

See Towns, § 6.

TOWNS.

See Assessors; Taxes; Elections.

§ 1. *In general.*

procedure for changing name of a town, 3974-3979.

term of lease from, limited, 5289.

power to levy and collect special assessments for sidewalks and street improvements, 4042.

power to purchase fire apparatus, 3990.

insurance tax for fire department, 3993-3998.

firemen's relief association pension funds, 3999-4006.

telephone line right of way in, how granted, 5144.

police in unorganized towns and villages, 3907-3913.

§ 2. *Organization and incorporation.*

of town embracing territory in more than one county, see *infra*, § 3.

incorporation under general law, 3915.

§ 3. *Towns embracing territory in more than one county.*

organization and incorporation of, 3564a.

chapter 30 of the political code applicable to the organization powers and duties of its officers, 3564b.

assessment, levy and collection of taxes, 3564d.

§ 4. *Corporate limits.*

procedure for changing, 3968-3973.

§ 5. *Wards.*

procedure for changing, 3980-3984.

manner of holding election in new wards, 3984.

§ 6. *Town plats.*

provisions for making and recording, 3942, 3958.

recording town plats in unorganized counties, 3947.

alteration,

by district court, 3959-3961.

vacation,

by written declaration of proprietor, 3962-3966.

by district court, 3959-3961.

right to re-plat land, 3966.

§ 7. *Officers.*

liability,

for contracting indebtedness in excess of that authorized by law, 4043.

president,

duty to advise with county board of review, 2139.

clerk,

duties,

to make changes in the assessment list upon the change of boundaries of wards, 3983.

to report to state auditor regarding fire department, 3993.

treasurer,

duties,

to keep warrant register, form of register, 3351.

to keep record of issuance of refunding bonds, 4034.

INDEX.

(References are to sections.)

TOWNS — (continued).

- recorder,
 - power to administer oaths and take acknowledgments of instruments, 4196.
- inspectors of election, how chosen, 951.
- § 8. *Eminent domain.*
 - right of, to take property by eminent domain, 8203.
 - for the purpose of laying out, improving or vacating streets, alleys, sewers, sidewalks and crossings, 3985.
- § 9. *Indebtedness.*
 - limitation of indebtedness,
 - in general, 2218.
 - of towns having a population of not less than three thousand, 4043.

TOWNSHIP.

- township justice of the peace, see Justice of the Peace, § 14.
- township board of health, see Health, § 2.
- township bonds, see Bonds, State, County and Municipal, § 6.
- free libraries, see Libraries.
- as to elections in townships, see Elections, § 20.
- § 1. *In general.*
 - name,
 - how designated, 4074.
 - procedure for adopting new names, 4077.
 - corporate powers in general enumerated, 4083, 4084.
 - term for which townships may confine prisoners, 4276.
 - division of property and apportionment of indebtedness upon the organization of a village, 3902.
 - by-laws, time of taking effect, publication by posting, 4156, 4157.
 - conveyances of land to township, how made, 4085.
 - township charges enumerated, 4236.
 - duties as to erecting and maintaining guide posts on highways, 4247.
 - township organized under chapter 50 constitutes an election district, 4271.
 - validity of contracts in behalf of townships in which officers are interested, 4270.
 - electric railway right of way in, how granted, 5145.
 - telephone line right of way in, how granted, 5144.
- § 2. *Organization.*
 - procedure, 4072.
 - first township meeting, 4075.
 - county auditor to notify state auditor of the organization of new townships, 4076.
- § 3. *Division of organized townships.*
 - procedure, election, 4079-4081.
 - duty of board of county commissioners upon presentation of petition for division, 4081, 4082.
 - division of property and apportionment of debts and liability, 4082.
- § 4. *Consolidation of townships.*
 - provisions for annexing portions of townships to other townships, 4073.
 - adjustment of debts and liabilities upon consolidation of townships, 4282-4285.
- § 5. *Dissolution of townships.*
 - procedure, 4277-4281.
 - contracts with townships not affected by dissolution, 4279.
 - assessment and levy of taxes after dissolution, 4280.
- § 6. *Township meetings.*
 - organization, order of business, 3141-3143.
 - records of meetings to be kept by township clerk, 4153.
 - first township meeting, 4075.

INDEX.

(References are to sections.)

TOWNSHIP — (continued).

- annual township meeting,
 - notice, 4086.
 - procedure for calling annual meeting when not held at the time prescribed by law, 4155.
 - power of electors of annual township meeting in general enumerated, 4088.
- special meeting,
 - purpose, notice, 4138-4140.
- election at township meeting,
 - poll list, manner of conducting election, canvass of votes, 4148-4152.
 - qualification of voters at township meeting, 4144.
 - challenge to voters, 4145.
 - unlawful voting at, misdemeanor, 9263.
 - officers to be elected by ballot, form of ballot, 4146, 4147.
- § 7. *Officers, in general.*
 - state's right to require persons to serve as, 7.
 - officers within territory transferred by change of county lines continued to hold office, 3201.
 - procedure for appointments where there has been no election at the annual township meeting, 4155.
 - to be advised on matters relating to duties of their respective offices by the state attorney, 3376.
 - qualifications, 4158.
 - time for beginning of term of office, 677.
 - bonds, appropriation for filing fees, 672.
 - compensation, provisions for increasing or reducing, 4221.
 - duties,
 - as to being interested in contracts made by the board of which they are members, 4270.
 - to deliver books and papers to their successors in office, 4238, 4239, 4240.
 - to demand of predecessor all books and papers belonging to the office, 4239-4241.
 - liability,
 - penalty for failure to make official report, 3542.
 - penalty for entering upon duty of office before taking oath of office, 4169.
 - resignation, 4171.
 - vacancies,
 - neglect to qualify, 4168.
 - how filled, 4172-4174.
 - election boards, how chosen, 951.
- § 8. *Township board of auditors.*
 - how constituted, 4213.
 - meetings, time for holding, 4214.
 - duties in general enumerated, 4213, 4214.
 - report of township meeting, 4215, 4216.
- § 9. *Treasurer.*
 - election, term of office, 4087.
 - oath of office, 4159, 4160.
 - bond, 660, 4165.
 - duty to furnish state bond, 193.
 - commissions allowable for receiving and paying out township moneys, 4206.
 - duties,
 - in general enumerated, 4204.
 - to draw from county treasurer moneys received for use of the township, 4206.
 - to collect forfeits, 8022.
 - depositing township funds in own name prohibited, penalty, 4209, 4210.
 - as to payment of accounts allowed at township meetings, 4217.

INDEX.

(References are to sections.)

TOWNSHIP — (continued).

duties — (continued).

- as to order of payment of warrants, 3352-3354.
- as to registration of warrants, 3352-3354.
- to keep a record of all warrants not paid for want of funds, 4211.
- to indorse warrants "not paid for want of funds," 4211.
- to keep a record of the receipts and disbursements, 4205.
- to keep record of issuance of refunding bonds, 4034.
- to pay judgment recovered against township, personal liability, 4234.
- to file statement of account with township clerk, 4207.
- to exhibit report of town accounts together with vouchers, to township board at its annual meeting, 4205.

penalty for neglect of duties, 4208.

§ 10. Clerk.

- ex officio clerk of township board, 4218.
 - election, term of office, 4087.
 - oath of office, 4159, 4160, ~~4200~~.
 - bond, 660, 4200.
 - compensation, 4220.
 - deputy clerks,
 - appointment, oath of office, 4198.
 - powers,
 - to administer oaths and take acknowledgment of instruments, 833, 4196.
 - duties,
 - to require officers to qualify, 671.
 - as to securing the execution of official bond from township and school district officers, 670.
 - to file bond of township assessor with the county auditor, 4167.
 - to transmit to clerk of district court names of constables, 4201.
 - to furnish clerk of district court with names of justices of the peace in the township, penalties for neglect, 4202, 4203.
 - to notify county auditor of amount of tax levied by board of supervisors, 4237.
 - to make out list of delinquent road taxpayers, 2030.
 - as to posting township by-laws, 4157.
 - to post notice for drawing of jury, 819.
 - to arrest and prosecute persons misappropriating seed grain furnished by the county, 3485.
 - at township meeting, 4153, 4154.
 - as to recording proceedings of township meetings, 4199.
 - to keep a record of all proceedings of the township board, 4218.
 - to keep record of funds received from county treasurer, 3348.
 - to record and preserve all accounts audited by the township board or allowed at a township meeting, 4199.
 - to keep records, books and papers of the township, 4197.
- penalty for neglect to require township officers to file bond, 671.

§ 11. Board of supervisors.

- ex officio,
 - members of township board of health, 4175.
 - members of town board of review, 2133.
 - board of auditors, 4214.
 - overseers of the poor, 2496, 2497.
 - forest fire wardens, 4291.
- election, 4087.
- term of office, 4087.
- oath of office, 4159, 4160.
- compensation, 4220.
- organization, 4087.

INDEX.

(References are to sections.)

TOWNSHIP — (continued).

meetings,

- time and place for holding regular meeting, 4185, 4186.
- business to be transacted at regular meeting, 4187-4191.
- quorum, 4195.
- adjourned meeting, 4190.
- special meeting, 4190.
- meeting to make estimate of road labor, 2004, 2005.

powers,

- in general enumerated, 4192, 4193.
- to prosecute actions for the benefit of the township, 4194.
- to purchase, lease and dispose of road machinery, 4269.
- to supervise highways and bridges, 4265.
- to submit to voters the question adopting "contract system" for improvement and repair of highways and bridges, 4266.
- to advertise for bids when contract system has been adopted, 4266.
- to establish a system of irrigation, 4263.
- to exercise right of eminent domain for irrigation purposes, 4263.
- to employ surveyors to mark section corners as fixed by the United States survey, 4242.
- to establish section corners, 4245.
- as to establishment of free libraries, 4007.
- as to the destruction of noxious weeds, 623, 624.
- to accept resignation of township officers, 4171.

duties,

- to attend to the defence of all legal proceedings against a township, 4230.
- to assist in filling vacancies in township offices, 696.
- to make selection of jurors, 820.
- to preserve section corners and quarter posts, 3437.
- as to preservation of section corner monuments, 4286-4290.
- as to examination of records of township officers, 3543.
- in respect to highways, 1977-1982.
- in proceedings for laying out a highway, 1931-1939.
- to fix per diem rate of road labor, when, 2013.
- to appointment of policeman in unorganized towns upon presentation of petition, 3907.
- as to payment of judgments rendered against township, 4235.
- to levy tax for the payment of bonds issued by the township, 4256.
- to levy tax to provide for payment of refunding bonds issue by townships, 4260.
- as to settlement of controversies in respect to partition fences, 4299.
- as to electric railway right of way, 5145.
- in respect to right of way for telephone lines, 5144.
- to appointment of directors for free libraries, 4008.
- to advise with county board of review, 2139.
- in respect to Texas cattle, 2676.
- as to destruction of noxious weeds, 623, 624.
- as to destruction of gophers, 2869.

vacancies, how filled, 4173.

- time for approval of township officers, 4188.
- time for auditing accounts and settle with road overseers, 4189.
- fees for establishment of partition fences, 4315.
- penalty for neglect of duty with respect to partition fences, 4314.

§ 12. Road overseer.

- appointment, term of office, 4087.
- oath of office, 4159, 4160.
- duty as to filing notice of acceptance of office, 4170.

INDEX.

(References are to sections.)

TOWNSHIP — (continued).

§ 13. *Police.*

- police in unorganized towns and villages,
 - procedure for appointment, 3907.
 - police tax, 3908, 3909.
 - bond of police, 3910.
 - powers and duties of police, 3911.
 - compensation, 3912.
 - removal, 3913.

§ 14. *Pounds and pound masters.*

- establishment and discontinuance of, 4249.
- pound master, appointment, 4249.
- office of pound master, 4251.
- notice of taking up estrays, 4251.
- sales of estrays, 4251.
- disposition of proceeds realized from sale of estrays, 4252.
- establishment by county commissioner in unorganized townships, 4252.
- duty of pound master to file notice of acceptance of office, 4170.

§ 15. *Public improvements.*

- public improvements in townships having a population of six thousand inhabitants adjoining an incorporated city,
 - procedure for establishment for improvements, 4091, 4092.
 - plans and specifications, 4091, 4092.
 - character of improvements that may be made, 4090.
 - advertisement for bids, awards of contracts, 4093-4095.
 - contractor's bond, 4096.
 - payment of contractor, 4101.
 - special assessments, 4097-4100.
 - apportionment of expense of improvements on the boundary line between the city and township, 4102.
- irrigation,
 - petition for, election, 4262.
 - tax, 4263, 4264.

§ 16. *Claims against township.*

- how stated, 4222.
- verification of accounts, 4223, 4224.
- penalty for auditing claim not verified, 4225, 4226.

§ 17. *Suits by or against townships.*

- manner of commencing actions, 4085.
- procedure, 4228.
- township to sue and be sued in its corporate name, exception, 4229.
- service of process in legal proceedings against a township, 4230.
- right to maintain action against township before a justice of the peace, 4231.
- right to recover actual damages in action to recover penalties for trespass on township lands, 4232.
- right to partition lands in proceedings to settle controversies in relation to township lands, 4233.
- execution upon judgments rendered against townships, 4234, 4235.

§ 18. *Finances.*

- appropriations for free libraries, 4013.
- appropriation for fees required for filing of township officers' bond, 672.
- indebtedness,
 - limit of, in townships, 4253.
 - bonds and evidences of indebtedness issued by township to bear certificate stating that such bond or evidence of debt is within the debt limit, 3490.
- warrants indorsed "not paid for want of funds" to bear interest until paid, 4211.

INDEX.

(References are to sections.)

TOWNSHIP AUDITORS.

See Townships, § 8.

TOWNSHIP BONDS.

See Bonds, State, County and Municipal, § 6.

TOWNSHIP CLERK.

See Townships, § 10.

TOWNSHIP JUSTICE OF THE PEACE.

See Justice of the Peace, § 14.

TOWNSHIP MEETINGS.

See Townships, § 6.

TOWNSHIP SUPERVISORS.

See Townships, § 11.

TOWNSHIP TREASURER.

See Townships, § 9.

TOWN TREASURER.

See Towns, § 7.

TRACT.

defined, 2074.

TRACTION ENGINE.

regulations affecting traction engines in villages, 3861 (11), 3862.

TRADE DISCRIMINATION.

unfair competition defined, 3043.

forfeiture of charter or revocal of license because of, 3044.

attorney-general to bring action, when, 3045.

penalty for conviction, 3046.

remedies to be cumulative, 3047.

TRADE-MARK.

defined, 9716.

as property, 5246.

as subject of ownership, 5464.

appropriated for what, 5464.

registration of, 2922.

sale warrants genuineness of, 5982.

for branding cattle, how obtained, 2601.

of manufacturer of beverages to be recorded, 2922.

counterfeiting, misdemeanor, 9711.

keeping dies of trade-marks to defraud, misdemeanor, 9712.

appropriating trade-marks or brands to deceive, 9713.

selling goods bearing counterfeit trade-marks, misdemeanor, 9714.

imitation of, punishment for, 9715.

re-filling and selling bottles with marks or brands, 9716.

keeping bottles with intent to re-fill, 9720.

— complaint; search; penalty, 9721.

goods defined, 9717.

affixing defined, 9718.

— when crime complete, 9718.

INDEX.

(References are to sections.)

TRADES.

prohibited on Sunday, 9239.

TRAFFIC.

public, as Sabbath breaking, 9235.

TRANSFER.

of obligations, see Obligations.

as to fraudulent transfers, see Fraudulent Conveyances.

§ 1. *In general.*

definition, 5488.

consideration unnecessary to validity of, 5489.

is executed contract, 5489.

action not abated by, 7408.

as mode of acquisition of property, 5468.

of bank stock, how made, 5160.

of corporate stock by non-resident, 4556.

of real property where one spouse has been abandoned, 4418.

of part of tract, manner of division of valuation, 2213.

when may be shown to be mortgage, 6729.

when deemed mortgage, 6727.

of corporate stock, how made, 4527.

of policy of life insurance, when permissible, 6629.

§ 2. *What may be transferred.*

transferability of property, 5490.

possibility not transferable, 5491.

right of re-entry not transferable, 5492.

products may be, 5460.

future interests pass by, 5277.

§ 3. *Mode of.*

by writing or parol, 5493.

written transfers named, 5494.

grant effectual only on delivery, 5495.

delivery of grant presumed to be at its date, 5496.

delivery is absolute, 5497.

delivery in escrow, 5498.

redelivery does not retransfer, 5499.

when grant deemed to be constructively delivered, 5500.

§ 4. *Interpretation of grants.*

grant interpreted same as contract, 5501.

limitation not controlled by words less clear, 5502.

when recourse may be had to recitals, 5503.

grant construed in favor of grantee except grant be public, 5504.

former parts prevail, 5505.

"without issue" defined, 5506.

words of inheritance or succession unnecessary to transfer fee in real property, 5507.

§ 5. *Effect of.*

vests actual title, 5508.

thing includes incidents, 5509.

benefit may be taken by person though unnamed, 5510.

of devised property, 5669.

TRANSFER FACILITIES.

to be afforded by railroad companies to all, 4706.

TRANSFER TICKET.

penalty for fraudulent use of, 4681.

INDEX.

(References are to sections.)

TRANSPORTATION.

- defined, 4709.
- securing, by fraud, misdemeanor, 9973, 9974.

TRAPS.

- for taking of bird or game animals, prohibited, 10289.
- use of, for fishing prohibited, 10310.

TREASON.

- defined, 9447.
- misprision of, defined; punishment, 9448.
- petit abolished, 9460.
- conspiracy to commit, 9442.
- coverture no excuse for, 9213.
- jurisdiction of, 10510.
- number of witnesses required, 10839.
- requisite proof for conviction of, 10839.
- legislature may pardon or commute, 11097.
- punishment for, 9447, 9481.
- time of execution, 9481.

TREATIES.

- judicial notice of, 7938.
- copies to be used, when, 7962.

TREATING.

- by candidates prohibited, 934.

TREES.

- on or near boundary lines, ownership of, 5355, 5356.
- provisions as to planting,
 - bounty for tree planting along highways, 2813.
 - limitation of bounty, 2814.
 - proof of planting, 2815.
 - examination and report by commissioners, 2816.
 - duty of school boards as to planting trees about school houses, 1204.
 - plans, specifications and estimates for planting of, by city, 3703.
 - power of city to plant, maintain and preserve, 3702.
 - general powers of the city as to planting trees, 3599 (8).
 - power as to planting trees in cities under commission form of government, 3318 (6).
 - planting of and regulations affecting trees in villages, 3861 (15).
- injuring,
 - injuring, punishment for, 10064.
 - injuring fruit trees, punishment for, 10068.
 - fouling public trees, misdemeanor, 10225.
 - , extent of probation, 10226.
 - jurisdiction of justice's court, 10227.

TREFOIL.

- as noxious weed, 2900.

TRESPASS.

- trespassing of animals, see Animals, § 11.
- wilful trespass upon state lands, what constitutes, 358.
- penalty for, 358.
- on school lands, action for, 349, 358, 359.
- upon township lands, actual damages recoverable, in action for penalties where the injury exceeds \$12.50, 4232.

INDEX.

(References are to sections.)

TRESPASS — (continued).

right of administrators and executors to maintain action for trespass, 8800.
on real property, limitation of actions for, 7375.
in freehold, misdemeanor, 10063.
by hunters prohibited; penalty, 10325-10327.

TRIAL.

- of criminal action, see Criminal Procedure.
change of venue in criminal actions, see Criminal Procedure.
in county court, see Courts, County, § 9.
in county court with increased jurisdiction, see Courts, County Court with Increased Jurisdiction, § 6.
before village justice of the peace, see Village Justice of the Peace.
before police magistrate, see Cities, § 18.
- § 1. *In general.*
defined, 7607.
district court always open for, 7350.
by whom cause triable, 7608.
when another judge may be called for prejudice or bias, 7644, 8955.
issues of fact, how tried, 7609.
note of issue, contents of, 7610.
notice of, 7610.
order of issue on, 7610.
either party may move, 7611.
separate trials where there are several defendants, 7611.
who to furnish papers, 7612.
- § 2. *By the court.*
how jury waived, 7637.
decisions to be made within what time, 7638.
facts and conclusions to be separately stated, 7639.
how findings waived, 7640.
preparation of findings by party, 7641.
making up judgment, 7642.
- § 3. *By referee.*
reference by consent, 7645.
fees of referee, 7645.
reference without consent, 7646.
who may serve as referee, 7647.
objections to referee, ground of, 7648.
— hearing by court, 7649.
how trial before referee conducted, 7650.
oath of referee, 7651.
may issue subpoena, 7872.
- § 4. *Of various questions and actions.*
of question of sanity of defendant, 11064, 11066.
in actions to quiet title, 8153.
of contest of election, 1049.
in bastardy proceedings, 10489, 10490-10496.
- § 5. *Place of.*
where property is, when, 7415.
where cause arose, when, 7416.
where another party resides, when, 7417.
defendant must ask change, when, 7418.
court may change place, when, 7419.
transfer of papers where place is changed, 7419.
of property without state, 9028.
of prize fight, 9819.
on preliminary hearing before magistrate, 10598.

INDEX.

(References are to sections.)

TRIAL — (continued).

§ 6. *Change of place of.*

defendant must ask for, when, 7418.
court may make, when, 7418.
transfer of papers where venue has been changed, 7419.
change of venue upon organization of new county, 3230.
in justice's court, 9036-9038.
in criminal action in justice's court, 9141-9143.

§ 7. *Issues of.*

origin and classes of, 7603.
issues of law defined, 7604.
issues of fact classified, 7605.
where issues both of law and fact arose in same case, order of trial, 7606.

§ 8. *Conduct of.*

order of trial, 7619.

§ 9. *Instructions.*

to be written, 7620.
giving and refusing, 7621.
to form part of judgment roll, 7639.

§ 10. *Exceptions.*

defined, 7652.
when deemed excepted to, 7653.
exception settled at time or after, 7653a.
exceptions on trial by referee, 7654.
preparation and settlement of statement of case, 7655.
specification of errors and insufficiency of evidence, 7656.
application to supreme court when judge refuses to allow, 7657.
settlement of statement of case in case of vagrancy, 7658.

§ 11. *Verdict.*

defined, 7304.
new trial when verdict prevented, 7628.
sealed verdict, 7629.
how verdict received, 7630.
correcting verdict, 7631.
general and special verdict defined, 7632.
when special verdict directed, how prepared, 7633.
jury to find amount, 7634.
verdict when judgment is rendered on pleadings, 7634.
verdict in action for recovery on satisfied personal property, 7635.
entries by clerk upon receiving verdict, 7636.
direction of, by court, 7643.
when vacated by court, 7665.
of jury in justice's court, 9089-9090.

§ 12. *New trial.*

defined, 7650.
causes for, 7660.
how application for, made, 7661.
notice of intention to move for, not necessary, 7662.
motion for, not necessary on appeal, 7842, 7843.
contents of notice, when heard, 7663.
time for motion; hearing, 7664.
extension of time for application for, 7665.
verdict vacated by court, 7666.
rehearing of the facts involved in a decree or order of the county court, 8594-8597, 8598.
time for, limited, when granted by supreme court, 7845.
on appeal from justice's court, 9180.
in county courts of increased jurisdiction,
civil actions, 8959.

INDEX.

(References are to sections.)

TRIAL -- (continued).

- in county courts of increased jurisdiction — (continued).
 - criminal actions, 8968.
- in condemnation proceedings, 8231.
- in mandamus proceedings, 8464.
- in insolvency proceedings, 8438.

TRIAL, PLACE OF.

See Trial, § 5.

TRUST COMPANIES.

§ 1. *In general.*

- formation of, 5205.
- when official bond not required by, 5213.
- transfer of trust to, 5214.
- compensation of, 5215.
- investment of trust funds, 5216.
- prohibited dealings, 5217.
- powers of court, 5218.
- duty of state examiner as to, 5220.
- annual report of, 5218.

§ 2. *Capital stock.*

- minimum amount, 5206.
- shares, 5206.
- certificates of deposits, state treasurer, duties, 5207.
- provisions relating to, 5219.
- increase of, 5219.
- reissuance, 5219.

§ 3. *Directors.*

- qualifications of, 5208.
- terms of office, 5208.
- election of, 5209.
- officers, 5209.
- bonds of, 5209.

§ 4. *Powers of.*

- in general, 5210.
- discretionary powers, 5210.
- power to accept trust, 5210.

TRUSTEES, IN GENERAL.

See Trusts.

- partners as trustees, 6395.
- duties of, in respect to buildings under their control, 2996.
- fraudulent appropriation by, as embezzlement, 9931-9933.

TRUSTEES OF STATE INSTITUTIONS.

See State Institutions.

TRUSTS.

§ 1. *Nature and creation of.*

- trusts, classified, 6271.
 - voluntary trust defined, 6272.
 - involuntary trust defined, 6273.
 - definition of terms trustor, trustee and beneficiary, 6274.
 - constructive trusts defined, 6275.
 - for what purpose trusts may be created, 6276.
 - how created as to trustor and beneficiary, 6277.
 - as to trustee, 6278.

INDEX.

(References are to sections.)

TRUSTS — (continued).

trusts, classified — (continued).

trustee by wrongful detention, 6279.

— by fraud, 6280.

§ 2. *Obligations of trustee.*

bound to act in highest good faith, 6281.

trust property not to be used for trustee's benefit, 6282.

must not take part in transaction where his interest is adverse to beneficiary, 6283.

must not use things to gain advantage over beneficiary, 6284.

must not undertake adverse trusts, 6285.

effect of acquiring adverse interests, 6286.

violation of article as to fraud, 6287.

presumption against trustee, 6288.

liability,

for mingling property, 6289.

for unlawful use, 6290.

for unauthorized use, 6291.

for acts of co-trustee done with his consent, 6292.

liability of trustee for trust funds invested in corporation, 4554.

§ 3. *Obligation of third persons.*

when transferee involuntary trustee, 6293.

trustee's misapplication no prejudice to good faith, 6294.

§ 4. *For benefit of third persons.*

nature and creation of the trust.

scope of the chapter, 6295.

by mutual consent enforceable before rescission, 6296.

when court is trustor, 6297.

nature of trust to be expressed in declaration, 6298.

what constitutes declaration of trust, 6299.

obligation of trustee,

must follow directions, 6300.

ordinary care and diligence required, 6301.

duty as to appointment of successor, 6302.

duty as to investment of trust moneys, 6303.

— liability for failure, 6304.

cannot enforce claim purchased in contemplation of appointment, 6304a.

power of trustees,

authority of trustees in general, 6305.

all co-trustees must act, 6306.

discretionary power controlled by court, 6307.

rights of trustees,

payment of expenses incurred, 6308.

compensation, 6309.

involuntary trustee excluded, 6310.

termination of trust,

how trust extinguished, 6311.

trusts not revocable, 6312.

how office vacated, 6313.

discharge of trustee, 6314.

removal by court, 6315.

succession or appointment of new trustees,

court may fill vacancies, 6316.

trusts survive to co-trustees, 6317.

court may appoint trustee, when, 6318.

§ 5. *In real property.*

as to real property, what are authorized, 5359.

limitations on creation of, 5359-5363.

in real property, invalid when, 5364.

INDEX.

(References are to sections.)

TRUSTS — (continued).

- presumption as to trusts in, 5365.
- innocent purchaser not prejudiced by implied or resulting trust, 5366.
- in real property, for what purpose created, 5367.
- in real property, when devise valid as power in trust, 5368.
- in real estate, when surplus subject to creditor's claims, 5369.
- invalid, when valid as power in trusts, 5370.
- power in trusts as to any, prohibited, 5370.
- powers in trust, not prohibited, 5371.
- realty passes when trust is valid as power, 5372.
- valid trust in realty vests whole estate in trustee, 5373.
- in real estate, contingent trust valid when, 5374.
- grantee or devisee of real property subject to, acquires legal estate, 5375.
- undisposed estates remain in author of trusts, 5376.
- disposal of beneficiary interests may be restrained, 5377.
- grant separate from trust when absolute, 5378.
- transfer of trust property in contravention of trust void, 5379.
- termination of, 5380.

TUBERCULAR CATTLE.

See Animals, § 6.

TUBERCULOSIS.

- among cattle, see Animals, § 6.
- person afflicted with, not to marry, 4373, 4374.
- taxation for the prevention of, 2262-2268.
- state tuberculosis sanitarium,
 - establishment of, 2583.
 - board of trustees of,
 - membership of, 2584.
 - qualifications of members, 2584.
 - term of office of, 2584.
 - removal of, 2584.
 - compensation of, 2584.
 - financial management of sanitarium, 2585.
 - superintendent and other employees, 2586.
 - reports of superintendent, 2586.
 - admission to sanitarium, regulations of, 2587.
 - costs and maintenance of patients, how paid, 2588.
 - board of trustees may accept gifts, donations, etc., 2589.
 - fraternal organizations may maintain cottages, 2590.
 - application and permit for cottages, 2591.
 - use of cottage, 2592.
 - terms of admission to cottage, 2593.

TUITION FUND.

See Schools and School Districts, § 9.

TUMBLING MUSTARD.

as noxious weed, 2900.

TURNIPS.

weight of bushel of, 3006.

TURPENTINE.

- judicial notice of inflammable character of, 7938.
- power of cities to regulate and prevent the storage of, 3599 (50).
- power of cities under commission form of government to regulate and prevent storage of, 3818 (45).

INDEX.

(References are to sections.)

TWINE AND CORDAGE PLANT.

maintenance of, in penitentiary, see Penitentiary, § 8.

TYPE-WRITING.

type-written abstracts and briefs may be used in criminal cases, 11004.

UMPIRE.

attempt to intimidate, 9402.
misconduct of, what is, 9342.
accepting gifts, misdemeanor, 9343.
receiving bribe, punishment, 9339.

UNBORN CHILDREN.

See After-born Children.

UNDERTAKER.

to be registered, 449.
preparation of death certificate, 441.
duty of, where death occurred without medical attendance, 442.
duties of, generally, 443.

UNDERTAKING.

on appeal, See Appeal.
in contempt proceedings, see Contempt, § 4.
sub-division on Practice in Contempt.
in arrest and bail, see Arrest and Bail.
on appeal in justice's court, 9165.
where to be filed, 7963.
fidelity insurance companies may be sole surety on, 4904.

UNDUE INFLUENCE.

defined, 5852.
thing gained by, held in trust, 6280.
as ground of rescission of contract, 5934.
effect of, on will, 5742.
undue influence exercised upon testator as a ground for contesting will after probate, 8649.

UNFAIR COMPETITION.

defined, 3043.

UNIFORM SYSTEM OF ACCOUNTING.

See State Institutions.

UNITED STATES.

judgments of United States courts, see Judgments, § 11.
defined, 7326.
preference to be given to, by carrier, 6237.
messages from agent of, entitled to preference, 6263.
may be owner of property, 5254.
as owner of lands under highwater mark, 5255.
right to take property by eminent domain, 8203.
appropriation of water by, 8270.
property of, as exempt from taxation, 2078.
claimants to lands of, right of action, 8164.
bonds of, as investments of savings banks, 5198.
formula of bureau of animal industry to be sued for dipping solution, 2784.
aid of, may be asked in case of riot, 10432.
prisoners, maintenance of, by sheriffs, 11346-11348.

INDEX.

(References are to sections.)

UNITED STATES COMMISSIONER.

may take deposition, 7891.

UNITED STATES SENATOR.

to be nominated at primary election, 852.
petition for primary election, when to be filed, 853.
no fee required for filing petition at primary election, 853.
nomination for office of, 863.
pledge of legislative candidate at primary election, for, 854.

UNITED STATES SURVEY RECORDS.

to be preserved by secretary of state, 123, 124.
copies to be furnished by secretary of state, 125.

UNIVERSITY OF NORTH DAKOTA.

accounts, method of keeping, see *State Institutions*.
where located, 1539.
board of trustees to govern, 1540.
trustees to be nominated by governor, 1541.
vacancies in office, how to be filled, 1541.
powers and duties of board, 1542.
meetings of the board, 1543.
quorum, 1543.
number of meetings limited, 1544.
government of university, powers of trustee, 1545.
board may extend income, 1546.
board can make repair, when, 1547.
powers of university and faculty, 1549.
trustees to make rules and by-laws, 1556.
—— to fix salaries of members of the faculty, 1557.
—— to appoint members of board of accountancy, 549.
—— to receive fees from applicant for position of public accountant, 556.
—— to issue certificate to public accountant, 551.
president of, member of state board of education, 1423.
treasurer, duties in general, 1808.
object and departments of university, 1549.
courses of instruction, 1550.
Scandinavian language, 1551.
who may become pupils, 1552.
graduates entitled to certificate to teach, 1553.
tuition fees of students, 1554.
compensation of trustees, 1555.
duty of dean of college of law, 1577.
public health laboratory to be established, 1650.
duty of directors of laboratory, 1651.
duty of board of trustees to collect statistics, 1652.
duty of board to preserve specimens, 1653.
directors to issue bulletins, 1654.
professor of bacteriology and pathology to be directors, 1655.
appropriation for, 1656.
establishment of biological station, 1567.
duty of board of trustees as to, 1568.
duties of director of station, 1569.
site of such station, 1569.
appropriation for building, 1570.
appropriation for maintenance, 1571.
duty of trustee, biological survey, 1562.
extent of survey, 1563.

INDEX.

(References are to sections.)

UNIVERSITY OF NORTH DAKOTA — (continued).

- meteorological statistics tabulated, 1564.
- specimens collected, 1565.
- map of the state to be prepared, 1566.
- biological survey, annual report of trustees as to, 1567.
- appropriation for biological survey, 1574.
- annual appropriation for maintenance, 1575.
- appropriation for Cochrane library, 1576.
- schools of mining,
 - mining experiment sub-station created, 1645.
 - purposes of station, 1646.
 - bulletins to be issued concerning experiments conducted, 1646.
 - station to be controlled by board of trustees of university, 1647.
 - location of experimental station, 1648.
 - appropriation for, 1649.
 - experimental test by school of mines, 1573.
- accounting officers, 1807, 1811, 1816.
- loan of muskets authorized, 1560.
- muskets when to be returned, 1561.
- secretary of state to furnish copies of general and special laws, 1558.
- supreme court reports, how obtained, 1559.
- requests for state appropriation, 1740.
- annual tax for maintenance of, 1416.
- portion of state fund raised by taxation, 1745.

UNLAWFUL ASSEMBLY.

- defined, 9810.
- misdemeanor, 9811.
- order to disperse, 10433.
- procedure if rioters do not disperse, 10434.

UNLAWFUL COHABITATION.

See Adultery.

UNORGANIZED COUNTIES.

See Counties, § 12.

UNSEAWORTHY.

rights of mate or seaman as to unseaworthy vessel, 6164.

USAGE.

- defined, 7301.
- judicial notice of, 7938.
- voyage fixed by mercantile insurance, 6575.

USE AND OCCUPATION.

of real property, action for, 8145.

USUAL.

defined, 7302.

USURPATION.

of office, punishment for, 9303.

USURY.

- definition, 6073.
- legal interest for banking corporations, 5166.
- premiums of building and loan associations not, 5126.
- railroad corporations cannot plead, 4628.
- penalty for, 6076.

INDEX.

(References are to sections.)

VACANCIES.

See Office, § 3.

VACATION.

of judgment, see Judgment, § 9.
issuance of writs in, 8474.

VACCINATION.

when required, 425.

VAGRANCY.

defined, 9658.
penalty, 9659.

VAGRANTS.

children sent to reform school deemed, when, 11283.
power of cities to restrain and punish, 3599 (56).
power of cities under commission form of government to restrain and punish, 3818 (51).

VALIDATING STATUTES AND OFFICIAL ACTS.

acts of county officials in territory believed a part of the county, legalized, 3232.
legalizing city ordinances relating to public improvements, 3766.
legalizing contracts and obligations of cities incurred for public improvements which have been completed, 3767.
legalizing special assessment for public improvement levied by officer of city, 3743a, 3743b.
proceedings for the incorporation of villages and cities legalized, 3555.
legalizing special assessments levied in villages and cities since the year 1903, 3881, 3882.
legalizing special assessments made by villages since 1903, 3743a, 3743b.
legalizing acts of village marshal, 3902.
legalizing taxes levied in townships for the years 1899 and 1900, 4099.

VALUABLE CONSIDERATION.

defined, 7303.

VALUATION.

defined for purpose of fixing sales, 7290.

VALUE.

defined, 7075, 7303.
method for estimating the value of property to a seller, 7177.
method of estimating the value of property to a buyer of owner deprived of its possession, 7178.
when the peculiar value of property to the owner may be recovered as damages, 7179.
method of estimating the value of an instrument in writing, 7180.
value of instrument in writing presumed to be that of the property to which it entitles its owner, 7180.

VARIANCE.

between allegations and proof, effect of, 7478-7480.
in proof of arson, immaterial when, 9855.

VAULTS.

regulations affecting the construction, repair and use of, in cities, 3599 (42).
— in cities under commission form of government, 3818 (35).

VEAL.

selling of calf less than four weeks old, prohibited, 10207-10209.

INDEX.

(References are to sections.)

VEGETABLES.

- power of the city to provide for the place and manner of sale, 3599 (36).
- power of cities to regulate the inspection of, 3599 (38).
- regulations affecting the sale of, under commission form of government, 3818 (29) (31)

VEHICLES.

- to turn to the right on highways, 2051.
- public vehicles to be disinfected, 2957.

VENDOR AND PURCHASER.

- as to specific performance of contract of sale, see Specific Performance.
- purchaser from pool or trust not liable for purchase price, 9958.
- disposition by executors or administrators of contracts for the purchase of land made by a decedent in his lifetime, 8783-8785.
- measure of damages for breach of agreement to convey real estate, 7151.
- measure of damages for breach of agreement to purchase real estate, 7152.
- when unpaid taxes become lien upon property as between, 2186.
- lien of special assessment for public improvement as between vendor and vendee, 3743.
- lien of vendor of realty, 6861, 6862.
- lien of vendor of personalty, 6864.
- purchaser's lien on realty, 6865.

VENEREAL DISEASES.

- person afflicted with, not to marry, 4373, 4374.

VENTILATION.

- of school buildings, 1493
- of hotel rooms, 2984.

VENUE.

- See Trial, § 5.

VENUE, CHANGE OF.

- See Trial, § 6.

VERDICT.

- See Trial, § 11; in criminal cases, see Criminal Procedure, § 11.

VERIFICATION.

- of pleadings, 7455.
- of pleadings in proceedings after judgment, 7855.
- of papers filed by investment company, 5223.
- of information, form of, 10632.

VESSEL.

- See Ships and Shipping.

VETERINARIANS.

§ 1. Generally.

- permit to practice veterinary medicine, how procured, 2714.
- diplomas and certificates of veterinarians, 2715.
- misdemeanor to practice, when, 2716.
- examination for veterinarians, 2717.
- certificates to be recorded, 2718.
- gratuitous services, when not within application of article, 2719.
- witnesses and fees, 2720.
- district veterinarian,
 - duties in respect to dipping stations, 2785.

INDEX.

(References are to sections.)

VETERINARIANS — (continued).

§ 2. *Veterinary medical examiners.*

qualifications of veterinarians, 2711.

board of examiners,

how appointed, 2712.

term of office of, 2712.

organization of board, 2713.

meetings of board, 2713.

duties of board, 2713.

VIEW.

by jury, 7622, 10855.

VILLAGE BOARD OF REVIEW.

See Taxes, § 14.

VILLAGE BOARD OF TRUSTEES.

See Villages, § 13.

VILLAGE CLERK.

See Villages, § 9.

VILLAGE JUSTICE OF PEACE.

See Justice of the Peace, § 13.

VILLAGE MARSHAL.

See Villages, § 10.

VILLAGE RECORDER.

See Villages, § 11.

VILLAGES.

as to elections in villages, see Elections, § 19.

village justice's court, see Justice of the Peace, § 13.

bonds, see Bonds, State, County and Municipal, § 5.

§ 1. *In general.*

procedure for changing name of villages, 3974-3979.

payment of judgment rendered against village, 3868.

electric railway right of way in, how granted, 5145.

telephone line right of way in, how granted, 5144.

necessity of showing compliance with the law as to its organization or publication of by-laws or ordinances in a suit instituted by, 3914.

§ 2. *Organization, incorporation and dissolution.*

in villages embracing territory in more than one county, see *infra*, § 3.

organization,

procedure for adoption of present law by towns and villages incorporated under former law, 3915.

division of property and apportionment of indebtedness upon organization of village, 3902.

effect of organization upon debts and liabilities, 3916.

incorporation,

petition for incorporation, form and contents, 3843.

duties and procedure by board of county commissioners upon presentation of petition for incorporation of village, 3844, 3845.

submission of question to voters, election, manner of voting, 3844-3848.

necessity of having territory surveyed and platted before making application, 3840.

necessity of having census taken before presenting application for incorporation, 3841.

incorporation proceedings legalized, 3555.

INDEX.

(References are to sections.)

VILLAGES — (continued).

- dissolution of corporation,
 - procedure, election, 3903.
 - effect upon contracts in which the corporation is a party, 3904.
- § 3. *Villages embracing territory in more than one county.*
 - provisions for organization and incorporation, 3564a.
 - population required, 3932.
 - procedure,
 - petition, form and contents, 3934.
 - duty of county commissioners upon presentation of petition for incorporation, 3934.
 - census and survey, 3933.
 - election, notice, canvass of votes, 3934-3936.
 - chapter 30 of the political code applicable to the organization powers and duties of its officers, 3564b.
 - officers,
 - elective officers, enumerated, 3938.
 - assessors,
 - how elected, 3938.
 - appointment of, 3564c.
 - taxes,
 - assessment, levy and collection of taxes, 3564d.
 - to be collected by county treasurer, 3940.
 - board of equalization,
 - powers and duties, 3939.
 - clerks' report to the county auditors, 3564d.
- § 4. *Corporate limits.*
 - procedure for changing, 3968-3973.
 - procedure for extension of, 3998-3901.
- § 5. *Village plats.*
 - provisions for making and recording, 3942-3958.
 - power of district court to correct errors, 3762-3765.
 - vacation,
 - by district courts, 3959-3961.
 - by written declaration of proprietor, 3962-3966.
- § 6. *Wards and districts.*
 - wards, procedure for changing, 3980-3984.
 - division of village into districts, 3849.
- § 7. *Officers, in general.*
 - state's right to require persons to serve as, 7.
 - elective officers, enumerated, 3854.
 - oath of office, 3858.
 - officers required to give bonds, enumerated, 3869.
 - compensation, 3895.
 - duties,
 - to deliver books and papers to their successors in office, 3870.
 - to report fires to the fire marshal department, 204.
 - liability,
 - for contracting indebtedness in excess of that authorized by law, 4043.
 - penalty for failure to make official reports, 3542.
 - grounds for removal, 3577.
 - auditor of as member of town board of review, 2133.
- § 8. *Treasurer.*
 - ex-officio treasurer of the park district, 4067.
 - bond, 3869.
 - compensation, 3895.
 - powers and duties,
 - in general, enumerated, 3889.

INDEX.

(References are to sections.)

VILLAGES — (continued).

powers and duties — (continued).

to collect forfeits, 8022.

to keep a record of the issuance of refunding bonds, 4034.

§ 9. *Clerk.*

ex-officio clerk of board of equalization, 3872.

bond, 3869.

compensation, 3895.

duties,

in general, enumerated, 3891.

to make changes in the assessment list upon the change of boundaries of wards, 3983.

to notify county auditor of the amount of tax levied, 3874.

to keep records of all proceedings of the board of equalization and furnish a copy to the county auditor, 3873.

to provide each street commissioner with road tax book, 3885.

to report to state auditor regarding fire department, 3993.

§ 10. *Marshal.*

bond, 3869.

compensation, 3895.

powers and duties,

in general, enumerated, 3892.

as to enforcement of prohibition law, 10107.

as to violation of chapter relative to government licenses, 10152.

acts of village marshal legalized, 3892.

§ 11. *Recorder.*

power to administer oaths and take acknowledgment of instruments, 833, 4196.

§ 12. *Assessor.*

duties in general, enumerated, 3871.

compensation, 3871, 3895.

§ 13. *Board of trustees.*

ex-officio members of,

board of equalization, 3872.

board of health, 4175.

to act as overseers of the poor, 2527.

oath of office, 3858.

compensation, 3895.

organization, election of officers, 3858.

president,

ex-officio chairman of village board of equalization, 3872.

member of town board of review, 2133.

duty to advise with county board of review, 2139.

village meetings,

special meeting, how called, notice, 3860.

powers,

to have a common seal and alter the same, 3861 (1).

to control the finances and property of the village, 3861 (2).

to purchase, hold or convey real and personal property for use of the corporation, 3861 (2).

to provide for the erection and care of public buildings, 3861 (2).

as to care of public grounds, 3861 (15).

to insure the public property, 3861 (13).

as to establishment of free libraries, 4007.

to purchase and dispose of real estate for streets, alleys, parks and public grounds, 3861 (2).

to lay out, improve or vacate streets, alleys, sewers, sidewalks and crossings, 3861 (9), 3989.

as to grading, paving and improvement of streets, 3993.

as to improvement and repair of buildings and sidewalks, 3993.

INDEX.

(References are to sections.)

VILLAGES — (continued).

powers — (continued).

- to expend portion of road tax for improvement of public highways outside of the corporate limits of the village, 3888.
- certain powers relative to sidewalks, sewers, paving and water mains conferred upon city council extended to board of trustees of incorporated villages, 3862.
- as to regulation and registration of vehicles, 3863.
- to regulate the speed of vehicles and trains, 3861 (11).
- to regulate the shores and wharves along navigable streams, 3864.
- to appoint street commissioners and fire wardens, 3861 (10).
- to organize and regulate fire companies and provide necessary apparatus, 3861 (3), 3890.
- to compel owners of buildings to provide ladders and fire buckets, 3861 (3).
- to regulate the storage of explosives, 3861 (3).
- to regulate the deposit of ashes, 3861 (3).
- to appoint fire wardens for the inspection of buildings, 3861 (3).
- to regulate the manner of putting up stoves and stovepipes, 3861 (3).
- to regulate and prevent bonfires, the use of fireworks and discharge of firearms, 3861 (3).
- to compel the inhabitants to aid in extinguishment of fires, 3861 (3).
- to construct and maintain a system of waterworks wells, and pumps, 3861 (3).
- to construct, repair and regulate the use of drains, sewers and cess pools, 3861 (4).
- as to adopting measures for the preservation of the public health, 3861 (4).
- as to nuisances, 3861 (4).
- as to peddlers, salesmen, pawnbrokers, keepers of ordinaries and other exhibitions, shows, and amusements, 3861 (4).
- to restrain and prohibit the running at large of animals, 3861 (5).
- to impose a tax or license on dogs, 3861 (5).
- to license, regulate, tax or prohibit billiards, bagatelle, and other similar tables, 3861 (6).
- to license, regulate, tax or prohibit pins alleys and ball alleys, 3861 (6).
- to restrain and prohibit gambling and gambling houses, 3861 (6).
- to authorize the seizure and destruction of gambling apparatus, 3861 (6).
- to prohibit the sale or exhibition of obscene or immoral publications and pictures, 3861 (6).
- to suppress bawdy and disorderly houses, 3861 (6).
- to license, regulate and restrain auction establishments, traveling peddlers and public exhibitions, 3861 (7).
- to establish and regulate markets and build market houses, 3861 (8).
- to regulate and prevent the flying of flags, banners or signs, 3861 (11).
- to regulate traffic and sales upon the streets, sidewalks and public places, 3861 (11).
- as to riots and disorderly assemblies, 3861 (12).
- as to establishment of jails, 3861 (12).
- as to planting of trees, 3861 (15).
- as to cemeteries, 3861 (14).
- to levy and collect annual taxes, 3861 (16).
- as to offensive or unwholesome business or establishments, 3861 (17).
- as to packing houses, smoke houses, renderies and slaughter-houses, 3861 (17).
- to enact ordinances, 3861 (18).
- prescribe fines and penalties for violation of by-laws or ordinances, 3861 (19).
- to grant franchises for the furnishing of public utilities, 3861 (20).
- to prosecute and defend suits, 3859.

duties,

- as to examination of records of village officers, 3543.
- as to selecting jurors, 820.
- to publish annual statement of village treasurer as to receipt and expenditures of village funds, 3890.
- upon presentation of petition for extension of corporate limits, 3898-3900.

INDEX.

(References are to sections.)

VILLAGES — (continued).

vacancy,
how filled, 3857.

§ 14. Ordinances.

as to the enactment of, 3861 (18).
provision for publication before taking effect, 3861 (18).
how proven, 3931.
punishment for violation, 3926.

§ 15. Fire department.

fire warden, duties, in general, enumerated, 3904.
chief of fire department, duty to report fires to the fire marshal department, 204.
power to purchase fire apparatus, 3861 (3), 3990.
insurance tax for fire department, 3993-3998.
firemen's relief association pension funds, 3999-4006.

§ 15a. Police officers.

police in unorganized villages and towns, 3907-3913.
organization of, under special statutes, 10426.
duties of,
to arrest without warrant, when, 10057.
to attend public meetings, 10427.
as to enforcement of prohibition law, 10107.
as to prize fight, 9820, 9821.
to enforce snuff law, 10182.
as to false and misleading advertising, 9990.

§ 16. Eminent domain.

right to take property by eminent domain, 8203.
for the laying out, improving or vacating streets, alleys, sewers, sidewalks and crossings, 3985, 3987.

§ 17. Public improvements.

as to parks, see infra, § 18.
streets and alleys,
procedure for laying out and improving, 3986.
petition for building or repairing, 3896.
method of establishing grade, 3988.
vacation,
procedure, appeal, 3989.
sidewalks,
petition for building or repairing, 3893.
notice to owner to construct or repair, 3905.
duty of adjoining land owners to construct and keep in good repair, 3906.
power of board of trustees to construct or repair and assess the cost against abutting owners, 3905.
selection of materials and establishment of grade, 3905.
method of fixing grade, 3988.
public places,
procedure for laying out and improving, 3986.
procedure for vacation, appeal, 3989.
special assessments,
power to levy and collect for sidewalks and street improvements, in general, 4042.
collection of assessments against abutting owners for failure to build or construct sidewalks, 3906.
duties of village clerk and county auditors as to assessments levied against abutting property owners for failure to construct or repair sidewalks, 3906.
special assessments levied since year 1903, validated, 3743a, 3743b, 3881, 3882.

§ 18. Parks.

parks,
right to acquire land for park purposes by gift or devise, 4054.

INDEX.

(References are to sections.)

VILLAGES — (continued).

- park districts,
 - procedure for creation of park district, 4064, 4065.
 - corporate powers, 4066.
 - village treasurer ex officio treasurer of park district, 4067.
 - board of commissioners,
 - election, 4067.
 - qualifications, 4067.
 - term of office, 4067.
 - compensation, 4067.
 - power of in general, enumerated, 4068, 4069.
 - meetings, time of holding, 4069.
 - to be governed by general laws, 4071.
 - vacancy, how filled, 4067.
 - contract, members of park commission not to be interested in, 4067.
 - actions for violation of rules and ordinances, 4070.

§ 19. Finances.

- accounts, how audited, 3866.
- appropriation of village funds, 3865.
 - for free libraries, 4013.
- warrants for payment of village funds, how drawn, 3867.
- indebtedness,
 - manner of incurring indebtedness, and contracting loans, 3868.
 - limitation of indebtedness,
 - in general, 2218.
 - of villages having a population of not less than three thousand, 4043.

VILLAGE TREASURER.

See Villages, § 8.

VIOLENCE.

to compel form of religious belief, as misdemeanor, 9245.

VISITORS.

regulations for, at penitentiary, 11208.

VITAL STATISTICS.

See Health, § 4.

VOTERS.

See Elections, § 3.

VOUCHERS.

state, numbered and filed consecutively, 646.

VOYAGE.

in marine insurance, see Insurance, § 5.

WAGES.

- See Master and Servant.
- of minor child, to whom paid, 4437.
- of mate and seaman, 6167-6176.
- meetings for obtaining advance in, not conspiracy, 9443.

WAGON ROAD CORPORATION.

See Highways, § 17.

INDEX.

(References are to sections.)

WAIVER.

§ 1. *In general.*

- advantage of the law may be waived, when, 7247.
- of provisions relative to foreclosure of chattel mortgage, prohibited, 8131.
- of rights and obligations of contracts, when, 7136.
- of lien in partition, 8030.
- of lien of vendor of realty, 6862.
- waiver of interest by accepting payment of principal, 7144.
- of misnomer against corporations, 7983.
- of findings, 7640.
- of jury in justice's court, 9076.
- of protest, defined, 6996.
- of confidential communications, 7924.
- of option as to time, place or manner of delivery of personalty, 5970.
- of notice of demand before sale of pledge, 6787, 6788.

§ 2. *Of objections.*

- of objections to complaint, 7447.
- of objections to mode of offer of performance, 5816.
- of objections to deposition, 7908.

§ 3. *As to notice of loss.*

- of defects in notice of loss, 6543.
- of delay in service of notice of loss, 6544.
- of service of proof of loss, how made, 6545.

WALL.

- right to use as easement, 5330.

WAR.

- limitation of actions in case of, 7387.

WARDEN.

- game, see Game and Fish.
- of penitentiary, see Penitentiary.

WAREHOUSE RECEIPTS.

- what to contain, 3112, 3113.
- to be canceled, when, 10033.
- issue of fraudulent, how punished, 10029.
- exception, 10030.
- issuance of duplicate, 10031.

WAREHOUSES.

§ 1. *In general.*

- duties and powers of commissioners of railroads as to, 3100, 3101.
- rules to be published, 3102.
- grades for grain to be established, 3103.
- agents at Minnesota terminals; reports to commissioners, 3104.
- grading of grain, 3105.
- penalty for violation of article, 3106.
- public warehouse defined, 3107.
- license for warehouse, how obtained; fee, 3108.
- license to be conspicuously posted; penalty, 3109.
- refund of license fee of public grain warehouses authorized, when, 3110.
- bond of warehouseman, 3111.
- warehouse receipts, what to contain, 3112, 3113.
- delivery of grain to warehouse, a bailment and not sale, when, 3114.
- insolvency of warehouseman, 3114.
- refusal of warehousemen to redeliver grain, a larceny; punishment, 3115.
- rates of storage, 3116.
- penalty for violation of article, 3117.

INDEX.

(References are to sections.)

WAREHOUSES — (continued).

- owners of, may construct side tracks to railroads, 4766.
- when carrier becomes warehouseman, 6204.
- sale of unclaimed property by warehousemen, 6208.
- § 2. *Taxation of.*
 - as personal property subject to taxation, 2103.
 - assessment of grain in, 2111.
 - lien of agent or warehouseman for taxes, 2112.
 - penalty for making false statement in respect to, 2113.
- § 3. *Warehouse on railway right of way.*
 - application for, 3118.
 - compensation to railroad, 3119.
 - procedure in district to establish warehouse on railway right of way, 3120.
 - trial; election of gross sum or annual rental, 3121.
 - forfeiture; appeal; costs, 3122.
 - to be deemed public, 3123.
 - to be kept open, when, 3123.
 - erection of, 3124.
 - sidetracks to be provided by railroad company, 3125.
- § 4. *Certificate of inspection and weight.*
 - certificate to be returned to local buyer, 3126, 3128.
 - duty of local buyer, 3127.
 - penalty, 3129.
- § 5. *Uniform accounting by.*
 - railroad commission to formulate system of uniform accounting, 3130.
 - examination of financial accounts of warehousemen, 3131.
 - certificate of examination, 3132.
 - penalty for interfering with examiner, 3133.
 - fees for installation and examination, 3134.
- § 6. *Reports of elevators and warehouses.*
 - report of grain shipments, 3135.
 - report of independent or track buyers, 3136.
 - commissioner of agriculture and labor to furnish blanks, 3137.
- § 7. *Storage companies.*
 - keepers of public warehouses to be licensed, 3138.
 - bonds of storage companies, 3139.
 - subject to action in name of state, 3140.
 - property stored to be insured, 3141.
 - title to goods stored, 3142.
 - storage charges; no discrimination, 3143.
 - penalty, 3144.
 - lien for storage charges, 3145.
 - storage business not to be carried on without license, 3146.
 - penalty for violation of article, 3147.
 - article not to apply to implement transfer company or railroad or transportation company, 3148.
- § 8. *Cold storage.*
 - definition of terms,
 - cold storage, 3149.
 - cold stored, 3149.
 - articles of food, 3149.
 - license to operate cold storage warehouse; fee, 3150.
 - suspension of license for unsanitary condition, 3151.
 - record and reports of food products in storage, 3152.
 - storage of diseased or tainted articles, 3153.
 - inspection and supervision of warehouses, 3154.
 - date of receipt and withdrawal to be marked on containers, 3155.
 - period in which products may be kept in cold storage, 3156.

INDEX.

(References are to sections.)

WAREHOUSES — (continued).

regulation of sale of cold storage goods, 3157.
return of goods to cold storage prohibited, 3158.
food commissioner to make rules and regulations, 3159.
penalty for violation of article, 3160.
what constitutes violation of law, 3161.

§ 9. Membership of Superior grain and warehouse commission.

appointment, 3162.
term of office, 3162, 3163.
salary of, 3162, 3163.

WARRANTS.

See Bench Warrant; Search Warrant.
in criminal proceedings, see Criminal Proceeding.
defined, 10536.
of death, requisites of, 10968.
to seize personalty covered by lien, 8138.
form of in justice's court, 9134.

WARRANTIES.

of personal property, see Sales.
lineal and collateral, abolished, 5526.
defined, 5973.
scope of general, 5988.
agent may warrant title to personalty, 6344.
agent's warrants as authority to act, 6358.
implied warranty in marine insurance, 6567-6574.
in insurance contracts, 6519-6528.
measure of damages for breach of covenant of warranty in deeds of conveyance of real estate, 7149.
measure of damages for breach of warranty of agent's authority, 7163.
measure of damages for breach of warranty of title of personal property, 7157.

WARRANTS ON STATE TREASURY.

drawn by state auditor, 132.
requisites, 641.
register of, to be kept by state auditor, 132.
drawn only when fund in state treasury, 132.
warrants upon state treasury to be issued consecutively in same order as vouchers are received, 646.
for payments out of twine plant appropriating fund, 11249-11252.
funding, when and by whom issued, 2305.
redemption by state treasurer, 149.
disposition of redeemed warrants, 148.

WASH ROOM.

in hotel or restaurant, individual towels required, 2984.

WASTE.

action for, 8145.
when actionable, 8167.
— when and to whom judgment given, 8168.
restraint of, during period of redemption after execution sale, 7761.
on mortgaged premises restrained, 8116.
procedure in real estate to recover for, when, 8161.
duty of executors and administrators to protect the real property of decedent from waste or other injury, 8707.
right of administrators and executors to maintain action for waste, 8800.

INDEX.

(References are to sections.)

WATER CLOSETS.

in hotels, regulations of, 2984.

WATERING TROUGHS.

bounty for, 2038.

WATERS.

See Irrigation; Ships and Shipping.

§ 1. *In general.*

what included in term land, 5341.

water course defined, 5341a.

destruction of water course, penalty, 10228.

ownership of land below high water mark, 5255.

bridges across, 1955.

power of villages to regulate shores and wharves along navigable streams, 3864.

personal property of water company, where to be listed for taxation, 2097.

pure water to be furnished hotel guests, 2994.

breaking pipes, punishment for, 10083.

fouling, with gas powder or refuse, misdemeanor, 9747.

obstructing navigation, misdemeanor, 9785.

§ 2. *Navigable stream.*

ownership of islands in, 5475.

boundaries by, 5352.

to be deemed public highways, 5353.

lawful to boom logs in, 3056.

rights of riparian owners, 5352.

§ 3. *Non-navigable streams.*

rights of owners upon, to stream and bed thereof, 5352.

ownership of islands in, 5476.

§ 4. *Accession or loss of real property by streams.*

ownership of riparian accretions, 5473.

land removed by stream may be reclaimed, 5474.

islands and accretions in streams, ownership of, 5475, 5476.

island formed by new channels, ownership of, 5477.

indemnity for new channel taken by stream, 5478.

§ 5. *Easements in waters.*

rights relative to, as easement, 5330.

right of receiving from or discharging same upon land, as easement, 5330.

right to take as easement, 5330, 5331.

§ 6. *Municipal water supply.*

generally as to public improvements in cities, see Cities, § 21.

authority and procedure for establishment, maintenance and sale of in cities, towns and villages, 3990-3992.

plans, specifications and estimates for establishment by city, 3703.

power of the city to regulate the laying of water mains and pipes, 3599 (13).

— cities under commission form of government, 3818 (7).

— of villages, 3861 (20).

power of the city to regulate the manner in which connections with water mains may be made, 3599 (34).

— cities under commission form of government, 3818 (27).

regulation for connection with water mains upon improvement of street, 3740.

power of cities to regulate rates for, 3607-3609.

power of city to create improvement district, 3698.

construction and regulations affecting the use of water works in villages, 3861 (3).

WATERS OF THIS STATE.

as used in game and fish law, defined, 10275.

See generally, Waters.

INDEX.

(References are to sections.)

WEAPON.

to be taken from persons arrested, when, 10577.
furnishing, to aid escape, punishment, 9355.
search of accused for dangerous, 11149.
forfeiture of, when found on person convicted of crime, 11096.
carrying concealed, misdemeanor, 9770.
See also Firearms.

WEEDS.

what constitutes, 2910.
defined, 2817.
Canada thistles declared public nuisance, 626.
certain grasses declared public nuisance, 623.
treatment of thistles and quack grass on cultivated lands, 626.
landowner's failure to exterminate, penalty, 631.
on highway to be destroyed, 1986, 1987.
to be cut and removed from highway, 2002, 2003.
upon railway right of way, to be burned, 2807.
manner of destroying noxious weeds, 2817.
decision of county commissioners as to time and manner of destroying weeds to be published, 2818.
road supervisors to destroy, 2819.
penalty for failure of highway officer to destroy weeds, 2820.
powers of officers charged with enforcement of law for extermination of noxious weeds, 630.
prevention of spread of,
 care to be exercised in threshing operations, 2821.
 duty to clean threshing separator, 2822.
 penalty for violation of article, 2823.
power of electors at township meeting to authorize expenditures for the destruction of noxious weeds, 4088.
penalty for officer's neglect to enforce law for extermination of noxious weeds, 630.
commissioner of noxious weeds,
 appointment, 624.
 term of office; compensation, 624.
 fund for payment of commissioner's salary, 626.
duties,
 in general, enumerated, 625, 626.
 to prosecute violations of law for extermination of noxious weeds, 628.
 to take possession of cultivated land for treatment of noxious weeds; appeal, 626.
 report, 629.

WEIGH MASTERS.

appointment, duties and powers of, 3018, 3019.
making false entries, misdemeanor, 9844.

WEIGHTS AND MEASURES.

§ 1. *In general.*

sheriff to be inspector and sealer, 2998.
tests of, when made; report, 2999.
standard of, established, 3000.
county commissioner to purchase duplicate weights and measures, 3001.
fees, 3002.
penalty for false weights and measures, 3003.
complaint, how alleged, 3004.
penalty for misleading inspector, 3005.
bushel to consist of how many pounds, 3006.
— products enumerated, 3006.

INDEX.

(References are to sections.)

WEIGHTS AND MEASURES — (continued).

- ton of hay, cubic measure of, 3007.
- perch of stone, 3008.
- standard of weights and measures to be kept by state treasurer, 3009.
- number of pounds to be put on bale of hay, 9763, 9764.

§ 2. *Of food.*

- food to be sold by weight, measure or count, 3010.
- weight of lard, 3011.
- weight of bread, 3012.
- penalty for violation of the act, 3013.
- standard milk and cream measurers, 2853.
- tests of milk and cream, 2854.

§ 3. *False.*

- use of, how punished, 9983.
- retaining in possession, how punished, 9984.
- officer may seize same, 9985.
- may be tested and destroyed, when, 9986.
- duty of state's attorney, 9987.
- stamping false weight or tare, misdemeanor, 9988.

WELLS.

- bounty for, 2039.
- duty to fill or cover abandoned, 2000, 2001.
- cost of filling abandoned, how paid, 2001.

WHARF.

- right to take property by eminent domain for, 8203.
- general powers of the city to establish and improve, 3599 (7).
- power to establish, regulate and improve in cities under commission form of government, 3818 (5).
- power of villages to regulate, 3864.

WHEAT.

- rate of taxation of, 2256.
- weight of bushel of, 3006.

WHISKEY.

- defined, 10157.
- intoxicating liquor, 10105.
- judicial notice of, 7938.

WHITE COCKLE.

- as noxious weed, 2900.

WHITE SLAVERY.

- See Prostitution,

WHITE STONE HILL BATTLEFIELD COMMISSION.

- grant of government land accepted, 383.
- appointment by governor, 387.
- term of office, 387.
- organization of, 388.
- duties of, 388.
- custodian for the state, 388.
- no compensation for members of, 389.
- state treasurer as custodian of funds of, 390.
- vouchers, how approved and filed, 391.
- report to governor, when, 392.

INDEX.

(References are to sections.)

WHITE STONE HILL BATTLEFIELD COMMISSION — (continued).

- power to sell portion of land, 393.
- proceeds, how used, 394.
- proceeds, how expended, 395.
- expenses of sale, how paid, 396.

WIDOW.

- allowance to widow out of husband's estate, see *Estates of Deceased Persons*, § 4.
- rights of, in homestead estate, 5627.
- takes by succession, when, 5743.

WILD ANIMALS.

- as property, when, 5247.

WILD BUCKWHEAT.

- as noxious weed, 2900.

WILD OATS.

- as a noxious weed, 2817, 2900.

WILD ONIONS.

- as noxious weed, 2900.

WILFUL.

- act of negligence, liability of, 5948.

WILFUL NEGLECT.

- as ground for divorce, defined, 4384.

WILFULNESS.

- insurance company not liable for loss caused by, 6540.

WILFULLY.

- defined, 10357.

WILLS.

See Succession; Executors and Administrators; Estates of Deceased Persons.

§ 1. *In general.*

- who may make, 5640.
- rights of married women, 5641.
- of idiots, invalid, 4345.
- undue influence, effect of, 5642.
- what may be willed, 5643.
- proof of lost will, 5659.
- who may take under, 5644.
- when descendants of devisee take under, 5679.
- acquisition of property by will, 5468.
- devise of land conveys what, 5678.
- homestead may be devised subject to homestead estate, 5632.
- gifts in view of death not affected by, 5544.
- rights of purchaser or incumbrancer in good faith not impaired by devise, when, 5727.
- duties of life legatees, 5728.
- liability of devisees and legatees, 5740.
- creation of power by, 5394.
- execution of power by, 5404.
- feloniously causing the death of another bar to taking under will, 5683.
- forgery of, 9882.

INDEX.

(References are to sections.)

WILLS — (continued).

- § 2. *Kinds of wills.*
nuncupative, requisites of, 5645.
mutual, validity of, 5646.
conditional, when denied probate, 5647.
olographic, 5647.
- § 3. *Codicil.*
codicil included in term will, 5738, 7308.
revocation of will revokes codicil, 5673.
when codicil republishes, 5652.
- § 4. *Execution of.*
manner of execution, 5649.
attestation of, 5649.
nuncupative, what unnecessary in, 5650.
how witnessed, 5651.
- § 5. *Witnesses.*
number, 5649.
mode of signing, 5649.
when gift to witness void, 5680.
witness to take if entitled to share in estate, 5681.
subsequent incompetency of witness, effect of, 5682.
showing necessary to admit the will to probate in the absence of a subscribing witness, 8642.
- § 6. *Deposit of, with county judge.*
duties of county judge, 5656.
how disposed of, 5657.
to be opened after death by county judge, 5658.
- § 7. *Revocation.*
how made, 5660.
cancellation must be proved, 5661.
effect of partial erasure, 5662.
revocation of will not declared, 5663.
when subsequent revokes prior, 5664.
revocation does not revive former will without expressing words, 5665.
validity of, after issue, 5666.
— for one unprovided for, 5667.
marriage of women revokes, 5668.
effect of will of devised property, 5669.
— partial disposal, effect of, 5671.
when instrument effects revocation, 5672.
incumbrance not revocation, 5670.
revocation of will revokes codicil, 5673.
- § 8. *Production of wills for probate.*
duty of county judge having custody of will, 8628.
duty of a custodian of wills to deliver the same to county judge; liability for failure, 8629.
duty of executor named in a will to present the same for probate, 8653.
compulsory production of wills, 8630.
procedure for the discovery of lost will, 8800.
- § 9. *Probate.*
power of county court to admit wills to probate, 8525.
power of county court to revoke probate of will, 8525.
probate of nuncupative will, 8631.
probate of foreign will, 8672.
original will to be filed in the office of the county judge, 8632.
will not effective until probated, 8633.
limitation of time for probate of wills, in general, 8634.
who may present petition for the probate of a will, 8635.

INDEX.

(References are to sections.)

WILLS — (continued).

- form of petition to probate a will, 8635.
- parties who must be cited; form of citation, 8636, 8637.
- service of notice to persons not named in the petition, 8637.
- executor to accept trust, 8639.
- discretion of the county judge to admit will on the testimony of only one witness, 8640.
- showing necessary to admit the wills to probate in the absence of a subscribing witness, 8642.
- procedure for the probate of lost or destroyed wills, 8643.
- power of the county judge in proceedings for the probate of a will; evidence, 8644.
- form of decree admitting or refusing will to probate, 8645.
- certificate of probate, 8646.
- form of decree admitting to probate a lost or destroyed will, 8647.
- will admitted to probate to be recorded in the record of wills, 8648.
- conclusiveness of decree admitting will to probate, 8650.
- § 10. *Contest of probate.*
 - contest of the probate of nuncupative wills and appointment of executors and administrators, 8631.
 - what may be alleged in answer to petition to probate of will, 8638.
 - evidence, 8641.
 - procedure, 8641.
- § 11. *Contesting will after probate.*
 - limitation of action, 8649.
 - grounds for, in general, enumerated, 8649.
 - procedure, 8649.
 - costs, 8649.
- § 12. *Payment of testator's debts.*
 - property chargeable with debts, 5721.
 - order of resort for payment of, 5722.
 - proportionate liability of devisee and legatee for debts of the estate, 8782.
 - liability of real and personal property given by will to legatees and devisees for the payment of debts, order of payment, 8733.
- § 13. *Interpretation of.*
 - intention of testator governs, 5685.
 - oral declarations excluded by will, 5686.
 - rules of interpretation, 5687.
 - several instruments to be construed together, 5688.
 - all parts construed together not reconcilable, latter prevails, 5689.
 - distinctive devise not affected by words less clear, 5690.
 - ambiguity explained by reference to other parts, 5691.
 - words to be taken in ordinary sense, 5692.
 - other expression to be given effect, 5693.
 - intestacy to be prevented, 5694.
 - technical words, how construed, 5695.
 - unnecessary, 5696.
 - term heirs unnecessary to devise fee, 5697.
 - to what time words referring to death or survivorship relate, 5704.
 - class includes all, when, 5705.
 - unborn child included in class, 5707.
 - realty deemed personalty, when, 5706.
 - imperfections and discrepancies corrected, how, 5708.
 - devise or legacy, ownership in common, 5718.
 - advancement not to be taken as ademption of legacy, 5719.
- § 14. *Child unprovided for in will.*
 - child unprovided for succeeds as in intestacy, 5674.
 - child omitted succeeds as in intestacy, 5675.
 - rules governing assignment of share of children omitted or unprovided for, 5676.
 - when children unprovided for or omitted take nothing under these provisions, 5677.

INDEX.

(References are to sections.)

WILLS — (continued).

§ 15. *What passes by will.*

- after-acquired property passes, 5684.
- property embraced in power passes by will, 5698.
- when all property passes, 5699.
- devise of residue passes, when, 5700.
- bequest of residue passes, when, 5701.
- when property passes to those entitled to succeed, 5702, 5703.
- future interests pass by, 5277.

§ 16. *Legacies.*

- classified, 5720.
- order of property resorted to for payment of, 5723.
- preferred legacies, 5724.
- rules governing abatement, 5725.
- specific devise or legacy; when sale ordered, 5726.
- bequest of income or interest accrues from date of testator's death, 5729, 5733.
- legacy in fear of death may be satisfied before death, 5730, 5733.
- when due, 5731, 5733.
- when annuities commence, 5732, 5733.
- interest on, 5732, 5733.
- validity and effect of a bequest of a debt or demand of the testator as against creditors, 8718.
- payment of legacies upon distribution of estates, 8762.

§ 17. *Vesting of bequests and legacies.*

- at death of testator, 5709.
- vested, testamentary disposition divests, when, 5710.

§ 18. *Death of devisee.*

- when disposition fails, 5711.
- interest in remainder unaffected, 5712.

§ 19. *Conditional disposition.*

- defined, 5713.
- condition precedent,
 - defined, 5714.
 - when disposition on condition vests, 5714.
 - when conditions deemed performed, 5715.
 - conditions subsequent defined, 5716.

§ 20. *Conflict of laws.*

- what law governs, generally, 5739.
- law of place governs, when, 5653-5655.
- law governing testamentary disposition of property, 8863.

WINDING UP.

- of financial corporation by state banking board, 4599.

WINDOW.

- may be broken in making arrest, when, 10593.

WINE.

- defined, 10157.
- intoxicating liquor, 10105.

WIRE FENCE.

- declared legal fence, 4295.

WITNESSES.

- in preliminary examination, see Criminal Procedure, § 5.

§ 1. *In general.*

- right of the state to require attendance of, without compensation, 7.
- in action for discovery, 7862-7869.

INDEX.

(References are to sections.)

WITNESSES — (continued).

- witness exempt from suit while out of his county, 7880.
- oath of witness, 7882.
- compelled before arbitrators, 8331.
- § 2. *Subpoenas.*
 - issued by whom, 7872.
 - requisites of, 7873.
 - for depositions, 7874.
 - how served, 7875.
 - duces tecum, 7873.
 - where witness not compelled to attend, 7876.
 - power of county court to issue and enforce obedience thereto, 8534.
 - to compel attendance of witnesses in contest of legislative election, 1076.
 - how served in contest of legislative election, 1077.
- § 3. *Competency.*
 - in general, 7871.
 - party in interest, 7871.
 - husband and wife, 7871.
- § 4. *Prisoner as witness.*
 - examination of prisoner, 7878.
 - prisoner remains in custody, 7879.
- § 5. *Before legislative assembly.*
 - refusal to attend or be examined in legislative proceedings, as contempt, 29.
 - refusal of, to attend before legislative assembly, misdemeanor, 9333.
 - refusal of, to testify before legislative assembly, misdemeanor, 9334.
- § 6. *Before various boards and in various proceedings.*
 - before state board of control, 245.
 - before state board of medical examiners, 460.
 - examination of, in election contest, 1081.
 - before state live stock sanitary board, 2691.
 - before state board of medical examiners, 2720.
 - experts and chemists as, in prosecutions for violation of statute relative to adulteration of oils, 2878.
 - right of coroner to summon physicians or surgeons to make scientific examination at inquest, 3419.
 - commissioner of railroads may require attendance of, 4739.
 - in supplementary proceedings, 7780, 7781.
- § 7. *Privilege.*
 - where testimony relating to champerty, 9418.
 - testimony compulsory in actions against common carriers, 4797.
 - officers of railroad company required to testify, when, 4735.
 - in election cases, 9286.
 - in prosecution for duelling, 9544.
 - in prosecution for gambling, 9679.
 - in proceedings against gambling house, 9698.
 - in criminal actions, generally, 9826.
 - in action for violation of game and fish law, 10279.
 - privilege, no defense to perjury, 10355.
- § 8. *Mode of taking testimony.*
 - modes enumerated, 7883.
 - affidavit defined, 7884.
 - deposition defined, 7885.
 - examination defined, 7886.
 - manner of taking in anti-trust proceedings, 9959.
- § 9. *Fees.*
 - fees and mileage, generally, 3535.
 - fees may be demanded in advance, 7877.
 - witness may demand fees daily, 7881.

INDEX.

(References are to sections.)

WITNESSES — (continued).

- fees of, in insanity proceedings, 2565.
- fees of witness attending coroner's inquest, 3409.
- fees of, before commissioners of railroads, 4764.
- fees of, in action against railroad company, 4794.
- fees of, in supplementary proceedings, 7787.
- of experts before state board of veterinary examiners, 2720.
- sheriff fees for serving subpoena, 3514.
- § 10. *In criminal action generally.*
 - against himself, defendant not to be compelled to be, 10395.
 - before grand jury, oath of, 10658.
 - names of, to be indorsed on criminal information, 10631.
 - where place of trial is changed, 10762.
 - for indigent defendant to be paid by county, 11073.
- § 11. *Compelling the attendance of, in criminal action.*
 - subpoena defined, 11023.
 - magistrate may issue, 11024.
 - state's attorney may issue for grand jury, 11025, 11026.
 - clerk of court to issue blank subpoenas for defendant, 11027.
 - form of subpoena, 11028.
 - subpoena duces tecum, 11029.
 - subpoena by whom served, 11030.
 - how served, 11031.
 - expenses of indigent witness, 11032.
 - payment by county treasurer, 11033.
 - when witness must attend out of his county, 11034.
 - disobedience of subpoena; contempt; punishment, 11035.
 - punishment of witness for defendant disobeying subpoena, 11036.
 - forfeiture of undertaking by witness, 11037.
 - attendance of confined witnesses for state, how affected, 11038.
- § 12. *Security for appearance of, in criminal actions.*
 - on appeal from justice's court, 9178.
 - to perjury, when bound over to appear, 9377.
 - surety for appearance of, on preliminary examination, 10617-10621.
- § 13. *Crimes by and against.*
 - summary committal of, for perjury, 9376.
 - perjury of, disqualifies, 9381.
 - deceiving witness, misdemeanor, 9383.
 - bribing of, misdemeanor, 9388.
 - preventing from attendance on trial, misdemeanor, 8687.

WOLF BOUNTY.

See Animals, § 15.

WOMAN.

- hours of labor for, 10246.
- right to vote at school election, 1153.
- right to hold school offices, 1153.
- to be member of board of teachers insurance and retirement fund, 1496.
- compelling marriage, 9570, 9571.
- slander of, misdemeanor, 9561.
- jurisdiction of, enticement of, 10508.
- pregnancy of female convicted of death, effect, 10986, 10987.

WOODEN BUILDINGS.

- power of cities to prescribe the limits in which wooden buildings may be erected, 3599 (47).
- regulations affecting the construction of, in cities under commission form of government, 3818 (40).

INDEX.

(References are to sections.)

WOODS.

right to take wood as easement, 5330, 5331.
setting fire to, misdemeanor, 9774, 9775.
penalty for setting fire to, 2797.

WOOL MARKETS.

how established, 3177?
notice of holding to be given by commissioner of agriculture, 3178.
wool stored in buildings provided for that purpose at wool markets to be sold free from liens to persons without notice, 3179.
commissioner of agriculture to file statement of expenses in connection with wool markets with state auditor, 3180.
provision for expenses of commissioner of agriculture in connection with wool markets, 3180.

WORDS AND PHRASES.

generally, see Definition.
judicial notice of meaning of, 7938.
in code of civil procedure, how construed, 7325.
construction of words and phrases used in probate code, 8512, 8513.
of statute not strictly followed in indictment or information, 10692.
construction of, in information and indictment, 10691.

WORKHOUSE.

power of cities to establish, 3599 (52).
power of city under commission form of government to establish, 3818 (47).

WORKS OF ART.

injuring or destruction of, misdemeanor, 10080.

WRECKS.

upon railroads, see Railroads.
of vessel, wages of seaman, 6171, 6172.
obliterating marks upon wreck property, 9723.
detention of wreck property unlawful, 9725.
larceny of goods from, 9925.

WRIT.

defined, 7326.

WRITING.

defined, 7311, 10367.
defined as to forgery, 9911.
term includes printed matter, 7075, 11175.
includes typewriting, 11175.
exhibited for admission of genuineness of, 7860.
order permitting inspection of, on trial, 7861.
notice to be in, 7950.
submission to arbitrate must be in, 8328.

WRITTEN INSTRUMENT.

value of instrument in writing presumed to be that of the property to which it entitled its owner, 7180.

WRONGS.

offenses against personal relation, 4355.
minor, etc., liable for, 4346.
law will not intervene between persons equally in the wrong, 7258.

INDEX.

(References are to sections.)

WRONGS — (continued).

- remedy for every wrong, 7257.
- person cannot take advantage of his own, 7251.
- indemnity against, void, 6642.
- indemnity against wrongful act committed, when valid, 6643.

Y.

- duty of railroad company to construct, when, 4777.
- delivery of freight to connecting lines not business of Y, 4777.

YEAR.

- defined, 730f.
- fiscal, defined, 632.

YELLOW TREFOIL.

- as noxious weed, 2900.