

THE
COMPILED LAWS

OF THE
STATE OF NORTH DAKOTA

1913

TOGETHER WITH

ANNOTATIONS: (1) EXPLANATORY AND CRITICAL NOTES OF THE COMPILER;
(2) NOTES OF JUDICIAL DECISIONS BY WHICH THE VARIOUS SECTIONS
HAVE BEEN CONSTRUED; (3) REFERENCES TO PERTINENT AND IM-
PORTANT NOTES IN ANNOTATED REPORTS. ALSO THE CONSTI-
TUTION OF THE UNITED STATES AND OF THE STATE OF
NORTH DAKOTA WITH THE AMENDMENTS THERETO.

BY AUTHORITY OF THE LEGISLATIVE ASSEMBLY

VOL. I

ROCHESTER, N. Y.
THE LAWYERS CO-OPERATIVE PUBLISHING COMPANY

1914

Copyright 1914

by

THE LAWYERS CO-OPERATIVE PUBLISHING COMPANY

PREFACE

The preparation of these "Compiled Laws of North Dakota" for the year 1913 has been made pursuant to chapter 197 of the Laws of 1913 and the contract made in accordance therewith.

All amendments to the laws in the revised codes of 1905 have been substituted and incorporated, and all new statutes included without change or modification. Laws expressly repealed have been eliminated. Some enactments that have been declared unconstitutional are continued in the compilation, but these are in brackets, with footnote references showing that the courts have declared them invalid.

The renumbering of the sections, articles and chapters has been made where necessary to perfect and harmonize the statutes, with the result that the sections of the codes are numbered consecutively throughout the entire work. At the end of every section, in brackets, is a reference in chronological order to the laws from which the section is taken. Where the section in its present form is taken from a recent session law, that session law is cited first, and is followed by references to the previous compilations or session laws which show the development of this section, if it has been changed from time to time. This feature is the same as it was in the revised codes of 1905.

Explanatory and critical annotations have been made in a great number of instances to point out the relation of any particular section to other provisions, where there may be a question of an implied repeal or amendment, or any other question in respect to the validity or effect of the section. Some of these matters relate to what seem to be errors in the session laws or in the earlier compilations. But the policy is not to present any dogmatic opinions of the compiler in these cases, but merely to call attention to the existing facts, so as to prevent the users of the statutes from overlooking what may be of importance to them. Sometimes, reference is made to the titles of the acts of the legislature when these may have some value to elucidate obscurities in the body of the acts. Emergency sections also are quoted occasionally, when the recitals therein may assist in construing the statutory provisions. Again, vetoes of amendatory acts are usually cited, and occasionally quoted, when the reasons given in the veto message appear to be especially instructive. In all these matters, the compiler has sought merely to present everything that may throw any light upon matters of construction.

Another class of annotations to the various sections of the statutes consists of references to the decisions of the supreme courts of the several states and of all the federal courts that have construed such provisions. In addition to these references to decisions in other states, especially California, on their local statutes have been quite liberally cited, where those particular statutes are somewhat similar to provisions of the North Dakota statutes. Citations of all decisions refer, not only to the official reports, but to the National Reporter System and to various series of selected cases.

A third class of notes to the sections of the statutes consists of references to a great number of important annotations in various series of annotated reports, where they are pertinent to the subject dealt with in the sections to which they are cited. These annotations often deal with the principles involved in the statutory provisions, and bring to bear upon them the results of judicial investigation and reasoning in all the jurisdictions of this country.

PREFACE.

The greatest care has been taken to provide the most thorough and complete Table of Contents and Index for these statutes.

The constitution of the United States, the constitution of North Dakota, and the enabling act have also been included herein, with annotations thereto.

The work of comparing and critically compiling all the laws found in the previous compilations or codes and in the subsequent session laws has been done with the most extraordinary and scrutinizing care, chiefly by Mr. Charles C. Moore, author of "Moore on Facts," and also of the very valuable treatise on Statutory Construction, contained in the Federal Statutes Annotated of which he was one of the compilers. To him are due the exceptionally full and critical notes that deal with the statutory provisions themselves in their relation to each other,—a good sample of which is the note at the head of the military code, on page 568. He has worked constantly in direct association and consultation with the editorial staff of the publisher, which has been responsible for all the other annotations to the statutes, as well as for the Index to the work.

August, 1914.