

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.

52171

BY AUTHORITY OF THE LEGISLATIVE ASSEMBLY

---

VOL. II

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

1914

**Copyright 1914**

**by**

**THE LAWYERS CO-OPERATIVE PUBLISHING COMPANY**

# TABLE OF CONTENTS

## VOLUME II

	Pages
Code of civil procedure.....	1697-2023
Probate code .....	2025-2126
Justices' code.....	2127-2162
Penal code .....	2163-2379
Code of criminal procedure.....	2381-2565
Index .....	2567-3104

## CODE OF CIVIL PROCEDURE

72

	Section
<b>CHAPTER 1. GENERAL DEFINITIONS AND PROVISIONS.....</b>	<b>7319-7335</b>
<b>CHAPTER 2. COURTS . . . . .</b>	<b>7336-7354</b>
Article 1. Of the courts in general.....	7336-7338
Article 2. The supreme court.....	7339-7348
Article 3. The district courts . . . . .	7349-7354
<b>CHAPTER 3. FORM OF CIVIL ACTIONS.....</b>	<b>7355-7357</b>
<b>CHAPTER 4. TIME OF COMMENCING ACTIONS.....</b>	<b>7358-7394</b>
Article 1. In general . . . . .	7358-7358
Article 2. Time of commencing actions for the recovery of real property . . . . .	7359-7372
Article 3. Time of commencing other actions.....	7373-7382
Article 4. General provisions as to the time of com- mencing actions . . . . .	7383-7394
<b>CHAPTER 5. PARTIES TO CIVIL ACTIONS.....</b>	<b>7395-7414</b>
<b>CHAPTER 6. OF THE PLACE OF TRIAL OF CIVIL ACTIONS.....</b>	<b>7415-7419</b>
<b>CHAPTER 7. MANNER OF COMMENCING CIVIL ACTIONS.....</b>	<b>7420-7438</b>
<b>CHAPTER 8. OF PLEADINGS IN CIVIL ACTIONS.....</b>	<b>7439-7486</b>
Article 1. The complaint . . . . .	7439, 7440
Article 2. The demurrer . . . . .	7441-7447
Article 3. The answer . . . . .	7448-7451
Article 4. The reply . . . . .	7452-7454
Article 5. General rules of pleading.....	7455-7477
Article 6. Mistakes in pleading and amendments.....	7478-7486
<b>CHAPTER 9. OF THE PROVISIONAL REMEDIES IN CIVIL ACTIONS...</b>	<b>7487-7596</b>
Article 1. Arrest and bail.....	7488-7515
Article 2. Claim and delivery of personal property....	7516-7527
Article 3. Injunction . . . . .	7528-7536
Article 4. Attachment . . . . .	7537-7566
Article 5. Garnishment . . . . .	7567-7587
Article 6. Receivers . . . . .	7588-7592
Article 7. Of deposit . . . . .	7593-7596

## TABLE OF CONTENTS.

### CODE OF CIVIL PROCEDURE — Continued.

	Section
CHAPTER 10. DISMISSAL OF CIVIL ACTIONS.....	7597-7598
CHAPTER 11. OF THE TRIAL AND JUDGMENT IN CIVIL ACTIONS....	7599-7712
Article 1. Judgment upon failure to answer, etc.....	7599-7602
Article 2. Issues and mode of trial.....	7603-7612
Article 3. Formation of the trial jury.....	7613-7618
Article 4. Of the conduct of the trial.....	7619-7631
Article 5. Of the verdict.....	7632-7636
Article 6. Of the trial by the court.....	7637-7644
Article 7. Of references and trials by referees.....	7645-7651
Article 8. Exceptions.....	7652-7658
Article 9. Of new trials.....	7659-7666
Article 10. Manner of giving, entering and satisfying judgments.....	7667-7712
CHAPTER 12. OF THE EXECUTION OF THE JUDGMENT IN CIVIL ACTIONS.....	7713-7776
Article 1. The execution and levy.....	7713-7728
Article 2. Exemptions.....	7729-7743
Article 3. Sales.....	7744-7751
Article 4. Confirmation.....	7752
Article 5. Redemption.....	7753-7762
Article 6. The sheriff's deed.....	7763, 7764
Article 7. Validating execution sales.....	7765, 7766
Article 8. General provisions.....	7767-7776
CHAPTER 13. PROCEEDINGS SUPPLEMENTARY TO THE EXECUTION..	7777-7788
CHAPTER 14. OF THE COSTS AND DISBURSEMENTS IN CIVIL ACTIONS.....	7789-7817
CHAPTER 15. OF APPEALS IN CIVIL ACTIONS.....	7818-7849
CHAPTER 16. PROCEEDINGS AGAINST JOINT DEBTORS, HEIRS, DEVISEES, LEGATEES AND TENANTS HOLDING UNDER A JUDGMENT DEBTOR.....	7850-7855
CHAPTER 17. OFFER OF THE DEFENDANT TO COMPROMISE THE WHOLE OR A PART OF THE ACTION.....	7856-7859
CHAPTER 18. ADMISSION OR INSPECTION OF WRITINGS.....	7860-7861
CHAPTER 19. EXAMINATION OF PARTIES.....	7862-7870
CHAPTER 20. WITNESSES AND EVIDENCE.....	7871-7938
Article 1. Who may be excluded.....	7871
Article 2. Means of producing witnesses.....	7872-7882
Article 3. Mode of taking the testimony of witnesses...	7883-7886
Article 4. Affidavit.....	7887, 7888
Article 5. Depositions.....	7889, 7890
Article 6. Officer who may take depositions.....	7891-7894
Article 7. Manner of taking and authenticating depositions.....	7895-7905
Article 8. Exceptions to depositions.....	7906-7908
Article 9. Business records as evidence.....	7909
Article 10. Of public documents, records, etc.....	7910-7926
Article 11. Proceedings to perpetuate testimony.....	7927-7933
Article 12. Law of presumptive evidence.....	7934-7936
Article 13. Subjects of which courts will take judicial notice.....	7937, 7938
CHAPTER 21. MOTIONS AND ORDERS.....	7939-7949
CHAPTER 22. NOTICES AND FILING AND SERVICE OF PAPERS.....	7950-7960
CHAPTER 23. DUTIES OF SHERIFFS AND CORONERS.....	7961
CHAPTER 24. MISCELLANEOUS PROVISIONS.....	7962-7968

# TABLE OF CONTENTS.

## CODE OF CIVIL PROCEDURE — Continued.

	Section
<b>CHAPTER 25.</b> ACTIONS IN PLACE OF SCIRE FACIAS, QUO WARRANTO AND OF INFORMATION IN THE NATURE OF QUO WARRANTO . . . . .	7969-7979
<b>CHAPTER 26.</b> ACTIONS BY THE STATE TO ANNUL PATENTS . . . . .	7980
<b>CHAPTER 27.</b> ACTIONS BY AND AGAINST CORPORATIONS . . . . .	7981-8013
Article 1. General provisions . . . . .	7981-7985
Article 2. Actions against officers . . . . .	7986-7988
Article 3. Actions against insolvent corporations . . . . .	7989-8002
Article 4. Proceedings to annul corporations . . . . .	8003-8013
<b>CHAPTER 28.</b> ACTIONS TO RECOVER PENALTIES AND FORFEITURES . . . . .	8014-8023
<b>CHAPTER 29.</b> ACTION FOR THE PARTITION OF REAL PROPERTY . . . . .	8024-8072
<b>CHAPTER 30.</b> FORECLOSURE OF MORTGAGES, LIENS AND CONTRACTS . . . . .	8073-8143
Article 1. Foreclosure by advertisement . . . . .	8073-8098
Article 2. Foreclosure by action . . . . .	8099-8116
Article 3. Protection of purchasers at foreclosure sales . . . . .	8117, 8118
Article 4. Foreclosure of land contracts . . . . .	8119-8122
Article 5. Foreclosure of mortgages upon personal property . . . . .	8123-8136
Article 6. Actions to foreclose liens on personal property . . . . .	8137-8143
<b>CHAPTER 31.</b> ACTIONS TO DETERMINE CONFLICTING CLAIMS TO REAL PROPERTY AND OTHER ACTIONS CONCERNING REAL ESTATE . . . . .	8144-8165
<b>CHAPTER 32.</b> ACTION FOR NUISANCE, WASTE AND WILLFUL TRESPASS ON REAL PROPERTY . . . . .	8166-8168
<b>CHAPTER 33.</b> ACTION FOR THE SUPPORT OF MARRIED WOMEN . . . . .	8169-8174
<b>CHAPTER 34.</b> ACTIONS AGAINST THE STATE . . . . .	8175-8177
<b>CHAPTER 35.</b> CONTEMPTS . . . . .	8178-8201
Article 1. Criminal contempts . . . . .	8178, 8179
Article 2. Civil contempts . . . . .	8180
Article 3. Practice in contempts . . . . .	8181-8201
<b>CHAPTER 36.</b> EMINENT DOMAIN . . . . .	8202-8231
<b>CHAPTER 37.</b> RAILROAD RIGHT OF WAY OVER LAND OF DECEDENT OR WARD . . . . .	8232-8234
<b>CHAPTER 38.</b> IRRIGATION . . . . .	8235-8320
Article 1. Irrigation code . . . . .	8235-8247
Article 2. Determination of water rights . . . . .	8248-8252
Article 3. Appropriation of water . . . . .	8253-8270
Article 4. Regulating use of water . . . . .	8271-8274
Article 5. Water commissioners . . . . .	8275-8284
Article 6. Miscellaneous provisions . . . . .	8285-8301
Article 7. Water Users' Association . . . . .	8302, 8303
Article 8. Establishment and maintenance of dams . . . . .	8304-8320
<b>CHAPTER 39.</b> DEATH BY WRONGFUL ACT . . . . .	8321-8326
<b>CHAPTER 40.</b> ARBITRATION . . . . .	8327-8347
<b>CHAPTER 41.</b> INSOLVENCY . . . . .	8348-8442
Article 1. General provisions . . . . .	8348-8350
Article 2. Voluntary insolvency . . . . .	8351-8355
Article 3. Involuntary insolvency . . . . .	8356-8368
Article 4. Proceedings to realize the estate for creditors . . . . .	8369-8399
Article 5. Claims against the estate . . . . .	8400-8414
Article 6. Dividends . . . . .	8415-8423
Article 7. Discharge of the insolvent . . . . .	8424-8439
Article 8. Proceedings peculiar to partnerships . . . . .	8440-8442

## TABLE OF CONTENTS.

### CODE OF CIVIL PROCEDURE—Continued.

	Section
<b>CHAPTER 42. SPECIAL PROCEEDINGS OF A CIVIL NATURE.....</b>	<b>8443-8476</b>
Article 1. Preliminary provisions .....	8443, 8444
Article 2. Writ of certiorari.....	8445-8456
Article 3. Writ of mandamus.....	8457-8469
Article 4. Writ of prohibition.....	8470-8473
Article 5. Miscellaneous provisions .....	8474-8476
<b>CHAPTER 43. SUMMARY PROCEEDINGS .....</b>	<b>8477-8495</b>
Article 1. Confession of judgment without action.....	8477-8479
Article 2. Submitting a controversy without action....	8480-8482
Article 3. Relief of persons confined in jail on civil pro- cess .....	8483-8495
<b>CHAPTER 44. CHANGE OF NAMES OF PERSONS AND PLACES.....</b>	<b>8496-8499</b>
<b>CHAPTER 45. TRESPASS OF ANIMALS.....</b>	<b>8500-8506</b>

---

## PROBATE CODE

<b>CHAPTER 1. THE CODE AND ITS OPERATION.....</b>	<b>8507-8513</b>
<b>CHAPTER 2. THE COUNTY COURT.....</b>	<b>8514-8544</b>
Article 1. Organization, powers and duties .....	8514-8523
Article 2. Jurisdiction and powers of the county court..	8524-8534
Article 3. Transfer of cases in the county court.....	8535-8538
Article 4. Records of the county court.....	8539-8544
<b>CHAPTER 3. PARTIES AND PROCESS.....</b>	<b>8545-8627</b>
Article 1. General rules of procedure.....	8545-8550
Article 2. Service of citations and other papers.....	8551-8559
Article 3. Manner and effect of appearance.....	8560-8565
Article 4. Commencement of a special proceeding and the pleadings therein .....	8566-8572
Article 5. Postponement, hearing and trial.....	8573-8578
Article 6. Decrees and orders.....	8579-8589
Article 7. Mistakes, omissions and amendments.....	8590-8593
Article 8. Rehearings .....	8594-8598
Article 9. Appeals .....	8599-8624
Article 10. Approval of undertakings and bonds.....	8625-8627
<b>CHAPTER 4. SPECIAL PROCEEDINGS FOR THE PROBATE OF WILLS AND OTHER PURPOSES .....</b>	<b>8628-8681</b>
Article 1. Production and custody of will.....	8628-8633
Article 2. Special proceedings for the probate of a will.	8634-8655
Article 3. Special proceedings for the appointment of administrators .....	8656-8666
Article 4. Appointment of special administrators.....	8667-8671
Article 5. Foreign wills and letters of administration..	8672-8674
Article 6. Special proceedings for probate of heirship..	8675-8681
<b>CHAPTER 5. REQUISITES FOR QUALIFICATION .....</b>	<b>8682-8706</b>
Article 1. Qualifications, removal and discharge of ex- ecutors, administrators and guardians.....	8682-8688
Article 2. Form of letters .....	8689-8692
Article 3. New bonds and sureties.....	8693-8696
Article 4. Removal, suspension and discharge of execu- tors, administrators and guardians.....	8697-8706

## TABLE OF CONTENTS.

### PROBATE CODE — Continued.

	Section
<b>CHAPTER 6. SETTLEMENT OF THE ESTATES OF DECEDENTS.....</b>	8707-8873
<b>Article 1. Collection, inventory and appraisalment of the estate . . . . .</b>	8707-8713
<b>Article 2. Inventory and appraisalment of the estate....</b>	8714-8722
<b>Article 3. Possession of the homestead and allotment of exempt property . . . . .</b>	8723-8729
<b>Article 4. Property chargeable with the payment of debts . . . . .</b>	8730-8733
<b>Article 5. Claims, presentation, proof and allowance....</b>	8734-8754
<b>Article 6. Payment of debts and charges.....</b>	8755-8763
<b>Article 7. Sales by executors and administrators.....</b>	8764-8791
<b>Article 8. Specific performance . . . . .</b>	8792-8796
<b>Article 9. Actions by and against executors and administrators . . . . .</b>	8797-8814
<b>Article 10. Liability and compensation of executors and administrators . . . . .</b>	8815-8822
<b>Article 11. Accounting and settlement by executors and administrators . . . . .</b>	8823-8840
<b>Article 12. Partial distribution before final settlement..</b>	8841-8845
<b>Article 13. Distribution of the estate upon final settlement</b>	8846-8853
<b>Article 14. Proceedings for partition.....</b>	8854-8860
<b>Article 15. Distribution of estates of deceased nonresidents . . . . .</b>	8861-8866
<b>Article 16. Disposition of unclaimed shares.....</b>	8867-8873
<b>CHAPTER 7. OF GUARDIAN AND WARD.....</b>	8874-8925
<b>Article 1. Guardians and minors . . . . .</b>	8874-8885
<b>Article 2. Guardians of insane and incompetent.....</b>	8886-8890
<b>Article 3. The powers and duties of guardians.....</b>	8891-8898
<b>Article 4. Sales of property and disposition of proceeds</b>	8899-8912
<b>Article 5. Guardians for nonresident wards.....</b>	8913-8918
<b>Article 6. General and miscellaneous provisions.....</b>	8919-8925
<b>CHAPTER 8. INCREASED JURISDICTION OF COUNTY COURT.....</b>	8926-8928
<b>CHAPTER 9. PRACTICE IN COUNTY COURTS WITH INCREASED JURISDICTION . . . . .</b>	8929-8975
<b>CHAPTER 10. TAXATION OF INHERITANCES, DEVISES, BEQUESTS, LEGACIES AND GIFTS . . . . .</b>	8976-9000

---

## JUSTICES' CODE

<b>CHAPTER 1. TITLE AND APPLICATION OF CODE.....</b>	9001-9002
<b>CHAPTER 2. GENERAL POWERS OF JUSTICES OF THE PEACE.....</b>	9003-9016
<b>CHAPTER 3. PROCEDURE IN CIVIL ACTIONS.....</b>	9017-9125
<b>Article 1. Commencement of an action.....</b>	9017-9027
<b>Article 2. Appearance and postponement and change of venue . . . . .</b>	9028-9038
<b>Article 3. Pleadings and issues.....</b>	9039-9057
<b>Article 4. Provisional remedies . . . . .</b>	9058-9062
<b>Article 5. Garnishment and mode of procedure.....</b>	9063-9068
<b>Article 6. Forceible detainer . . . . .</b>	9069-9072
<b>Article 7. Trial of issues of fact.....</b>	9073-9092

## TABLE OF CONTENTS.

### JUSTICES' CODE — Continued.

		Section
<b>CHAPTER 3.</b>	<b>PROCEDURE IN CIVIL ACTIONS—Continued.</b>	
<b>Article 8.</b>	<b>Judgment and costs.....</b>	9093-9169
<b>Article 9.</b>	<b>Stay of execution.....</b>	9110-9114
<b>Article 10.</b>	<b>Execution.....</b>	9115-9125
<b>CHAPTER 4.</b>	<b>CONTEMPTS IN JUSTICES' COURTS.....</b>	9126-9129
<b>CHAPTER 5.</b>	<b>PROCEDURE IN CRIMINAL ACTIONS.....</b>	9130-9162
<b>CHAPTER 6.</b>	<b>APPEALS.....</b>	9163-9181
<b>Article 1.</b>	<b>Appeals in civil actions.....</b>	9163-9173
<b>Article 2.</b>	<b>Appeals in criminal actions.....</b>	9174-9181
<b>CHAPTER 7.</b>	<b>ACCOUNTING BY JUSTICES OF THE PEACE.....</b>	9182-9186
<b>CHAPTER 8.</b>	<b>BOARDS OF CONCILIATION.....</b>	9187-9192

---

## PENAL CODE

<b>CHAPTER 1.</b>	<b>PRELIMINARY PROVISIONS.....</b>	9193-9205
<b>CHAPTER 2.</b>	<b>PERSONS LIABLE TO PUNISHMENT FOR CRIME.....</b>	9206-9216
<b>CHAPTER 3.</b>	<b>PARTIES TO CRIME.....</b>	9217-9221
<b>CHAPTER 4.</b>	<b>CRIMES AGAINST RELIGION AND CONSCIENCE.....</b>	9222-9249
<b>CHAPTER 5.</b>	<b>CRIMES AGAINST THE ELECTIVE FRANCHISE.....</b>	9250-9294
<b>CHAPTER 6.</b>	<b>CORRUPT PRACTICES ACT.....</b>	9295-9299
<b>CHAPTER 7.</b>	<b>CRIMES BY AND AGAINST THE EXECUTIVE POWER OF THE STATE.....</b>	9300-9319
<b>CHAPTER 8.</b>	<b>CRIMES AGAINST THE LEGISLATIVE POWER.....</b>	9320-9335
<b>CHAPTER 9.</b>	<b>PERSONAL LOBBYING PROHIBITED.....</b>	9336-9338
<b>CHAPTER 10.</b>	<b>CRIMES AGAINST PUBLIC JUSTICE, BRIBERY AND CORRUPTION.....</b>	9339-9347
<b>CHAPTER 11.</b>	<b>RESCUES.....</b>	9348, 9349
<b>CHAPTER 12.</b>	<b>ESCAPES AND AIDING THEREIN.....</b>	9350-9362
<b>CHAPTER 13.</b>	<b>FORGING, STEALING, MUTILATING AND FALSIFYING JUDICIAL AND PUBLIC RECORDS.....</b>	9363-9365
<b>CHAPTER 14.</b>	<b>PERJURY AND SUBORNATION OF PERJURY.....</b>	9366-9381
<b>CHAPTER 15.</b>	<b>FALSIFYING EVIDENCE.....</b>	9382-9388
<b>CHAPTER 16.</b>	<b>OTHER OFFENSES AGAINST PUBLIC JUSTICE.....</b>	9389-9440
<b>CHAPTER 17.</b>	<b>CONSPIRACY.....</b>	9441-9446
<b>CHAPTER 18.</b>	<b>TREASON AND MISPRISION OF TREASON.....</b>	9447, 9448
<b>CHAPTER 19.</b>	<b>SUICIDE.....</b>	9449-9456
<b>CHAPTER 20.</b>	<b>HOMICIDE.....</b>	9457-9504
<b>CHAPTER 21.</b>	<b>MAIMING.....</b>	9505-9513
<b>CHAPTER 22.</b>	<b>KIDNAPPING.....</b>	9514-9517
<b>CHAPTER 23.</b>	<b>ATTEMPTS TO KILL.....</b>	9518-9520
<b>CHAPTER 24.</b>	<b>ROBBERY.....</b>	9521-9530
<b>CHAPTER 25.</b>	<b>ASSAULTS WITH INTENT TO COMMIT FELONY OTHER THAN ASSAULTS WITH INTENT TO KILL.....</b>	9531-9533
<b>CHAPTER 26.</b>	<b>DUELS AND CHALLENGES.....</b>	9534-9544
<b>CHAPTER 27.</b>	<b>ASSAULT AND BATTERY.....</b>	9545-9549
<b>CHAPTER 28.</b>	<b>LIBEL.....</b>	9550-9562
<b>CHAPTER 29.</b>	<b>RAPE, ABDUCTION, CARNAL ABUSE OF CHILDREN AND SEDUCTION.....</b>	9563-9577
<b>CHAPTER 30.</b>	<b>ADULTERY AND UNLAWFUL COHABITATION.....</b>	9579-9581
<b>CHAPTER 31.</b>	<b>MISCEGENATION.....</b>	9582-9588
<b>CHAPTER 32.</b>	<b>ABANDONMENT AND NEGLECT OF CHILD OR WIFE...</b>	9589-9594
<b>CHAPTER 33.</b>	<b>DESERTION AND NONSUPPORT OF FAMILY.....</b>	9595-9603
<b>CHAPTER 34.</b>	<b>ABORTION AND CONCEALING DEATH OF CHILDREN..</b>	9604-9606



TABLE OF CONTENTS.

PENAL CODE — Continued.

	Section
CHAPTER 35. BABY FARMING .....	9607, 9608
CHAPTER 36. CHILD STEALING .....	9609
CHAPTER 37. BIGAMY, INCEST AND SODOMY.....	9610-9616
CHAPTER 38. VIOLATING SEPULTURE AND THE REMAINS OF THE DEAD .....	9617-9634
CHAPTER 39. INDECENT EXPOSURE, OBSCENE EXHIBITIONS, BOOKS AND PRINTS AND BAWDY AND OTHER DIS- ORDERLY HOUSES .....	9635-9641
CHAPTER 40. PROSTITUTION AND WHITE SLAVERY.....	9642, 9649
CHAPTER 41. BAWDY HOUSES COMMON NUISANCES.....	9644-9651
CHAPTER 42. SALE OF OBSCENE LITERATURE TO MINORS.....	9652-9655
CHAPTER 43. ADVERTISEMENTS FOR CURE OF CERTAIN AILMENTS PROHIBITED .....	9656, 9657
CHAPTER 44. VAGRANCY .....	9658, 9659
CHAPTER 45. LOTTERIES .....	9660-9674
CHAPTER 46. GAMING .....	9675-9690
CHAPTER 47. GAMBLING HOUSES COMMON NUISANCES.....	9691-9698
CHAPTER 48. BUCKET SHOPS .....	9699, 9700
CHAPTER 49. PAWNBROKERS .....	9701-9704
CHAPTER 50. OTHER INJURIES TO PERSONS.....	9705-9741
CHAPTER 51. CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY.	9742-9790
CHAPTER 52. IMPORTATION, SALE AND EXPOSURE OF INFECTED STOCK .....	9791-9796
CHAPTER 53. MARKING OF TUBERCULOUS CATTLE.....	9797, 9798
CHAPTER 54. MANUFACTURE AND SALE OF ADULTERATED CIGAR- ETTES; SALE OF TOBACCO TO MINORS; USE OF TOBACCO BY MINORS .....	9799-9803
CHAPTER 55. USE OF FIREARMS BY CHILDREN AND MINORS.....	9804, 9805
CHAPTER 56. CRIMES AGAINST THE PUBLIC PEACE.....	9806-9826
CHAPTER 57. CRIMES AGAINST THE REVENUE AND PROPERTY OF THE STATE .....	9827-9848
CHAPTER 58. ARSON .....	9849-9867
CHAPTER 59. BURGLARY AND HOUSE BREAKING AND UNLAWFUL ENTERING .....	9868-9881
CHAPTER 60. FORGERY AND COUNTERFEITING .....	9882-9912
CHAPTER 61. LARCENY .....	9913-9928
CHAPTER 62. EMBEZZLEMENT .....	9929-9941
CHAPTER 63. FRAUDULENTLY USING ELECTRIC CURRENT.....	9942
CHAPTER 64. EXTORTION. ....	9943-9949
CHAPTER 65. POOLS AND TRUSTS .....	9950-9963
CHAPTER 66. FALSE PERSONATIONS AND CHEATS.....	9964-9972
CHAPTER 67. SECURING TRANSPORTATION OR ADVANCEMENTS FRAUDULENTLY .....	9973-9974
CHAPTER 68. SALE OF PNEUMATIC RUBBER TIRES UNMARKED....	9975-9976
CHAPTER 69. FRAUDULENTLY FITTING OUT AND DESTROYING VESSELS. ....	9977-9980
CHAPTER 70. FRAUDULENT DESTRUCTION OF PROPERTY INSURED.	9981, 9982
CHAPTER 71. FALSE WEIGHTS AND MEASURES.....	9983-9988
CHAPTER 72. FALSE AND MISLEADING ADVERTISING.....	9989-9991
CHAPTER 73. ILLEGAL BRANDING OF STOCK.....	9992-9998
CHAPTER 74. FRAUDULENT INSOLVENCIES BY INDIVIDUALS.....	9999-10002
CHAPTER 75. FRAUDULENT INSOLVENCIES BY CORPORATIONS, AND OTHER FRAUDS IN THEIR MANAGEMENT.....	10003-10024
CHAPTER 76. REQUISITES OF STEAMBOAT TICKETS.....	10025-10027

## TABLE OF CONTENTS.

### PENAL CODE — Continued.

		Section
CHAPTER 77.	FRAUDULENT ISSUE OF DOCUMENTS OF TITLES TO MERCHANDISE . . . . .	10028-10034
CHAPTER 78.	MALICIOUS INJURIES TO RAILROADS, HIGHWAYS, BRIDGES, TELEGRAPHS AND DITCHES.....	10035-10045
CHAPTER 79.	USE OF RAILROAD TRACKS FOR HIGHWAY PURPOSES.	10046, 10047
CHAPTER 80.	BLOCKING RAILROAD CROSSINGS . . . . .	10048, 10049
CHAPTER 81.	MALICIOUS MISCHIEF . . . . .	10050-10087
CHAPTER 82.	CLOSING OF FENCE GATES ON FARMS.....	10088-10091
CHAPTER 83.	PROHIBITION, UNLAWFUL DEALING IN INTOXICATING LIQUORS . . . . .	10092-10145
CHAPTER 84.	GOVERNMENT LIQUOR LICENSE.....	10146-10154
CHAPTER 85.	PURE LIQUOR LAW . . . . .	10155-10169
CHAPTER 86.	USE OF INTOXICATING LIQUORS ON PASSENGER TRAINS . . . . .	10170-10173
CHAPTER 87.	PROHIBITION IN PENAL AND CHARITABLE INSTITUTIONS . . . . .	10174
CHAPTER 88.	DISPOSING OF LIQUORS AT PUBLIC OR PRIVATE SALE OF PROPERTY . . . . .	10175
CHAPTER 89.	INSPECTION OF FREIGHT AND EXPRESS BOOKS IN AID OF PROHIBITION LAW.....	10176
CHAPTER 90.	SELLING AND SMOKING OPIUM.....	10177-10179
CHAPTER 91.	MANUFACTURE AND SALE OF SNUFF.....	10180-10183
CHAPTER 92.	MANUFACTURE OR SALE OF CIGARETTES OR CIGAR-ETTE PAPERS . . . . .	10184, 10185
CHAPTER 93.	SPECULATION IN OFFICE . . . . .	10186-10191
CHAPTER 94.	ALLOWING STALLION, BULL OR BAM TO RUN AT LARGE . . . . .	10192-10195
CHAPTER 95.	ADULTERATED DAIRY PRODUCTS . . . . .	10196-10205
CHAPTER 96.	SELLING ADULTERATED AND UNWHOLESOME FOOD OR MEDICINE . . . . .	10206-10209
CHAPTER 97.	SALE OF ADULTERATED INSECTICIDES AND FUNGICIDES . . . . .	10210-10224
CHAPTER 98.	FOULING THE PUBLIC WATERS OF THIS STATE.....	10225-10227
CHAPTER 99.	OBSTRUCTING WATER COURSES . . . . .	10228
CHAPTER 100.	NATURAL GAS TO BE CONFINED.....	10229, 10230
CHAPTER 101.	UNLAWFUL INTERFERENCE WITH TELEGRAPH AND TELEPHONE LINES . . . . .	10231
CHAPTER 102.	DESECRATION OF FLAG . . . . .	10232-10235
CHAPTER 103.	OBSERVANCE OF MEMORIAL DAY.....	10236
CHAPTER 104.	MISCELLANEOUS CRIMES . . . . .	10237-10261
CHAPTER 105.	GAME AND FISH . . . . .	10262-10322
CHAPTER 106.	PROTECTION OF BIRDS AT DEVILS LAKE.....	10323, 10324
CHAPTER 107.	TRESPASSING WHILE HUNTING GAME.....	10325-10327
CHAPTER 108.	GENERAL PROVISIONS . . . . .	10328-10383

TABLE OF CONTENTS.

CODE OF CRIMINAL PROCEDURE

	Section
<b>CHAPTER 1.</b>	<b>PRELIMINARY PROVISIONS . . . . .</b> 10384-10396
<b>CHAPTER 2.</b>	<b>COURTS HAVING JURISDICTION IN ORIGINAL ACTIONS</b> 10397-10402
<b>CHAPTER 3.</b>	<b>PREVENTION OF PUBLIC OFFENSES.....</b> 10403-10439
Article 1.	Lawful resistance . . . . . 10403-10405
Article 2.	Intervention of the officers of justice..... 10406, 10407
Article 3.	Security to keep the peace..... 10408-10425
Article 4.	Police in cities and villages, and their attendance at public meetings..... 10426, 10427.
Article 5.	Suppression of riots..... 10428-10439
<b>CHAPTER 4.</b>	<b>PROCEEDINGS FOR THE REMOVAL OF PUBLIC OFFICERS</b> 10440-10482
Article 1.	Removal by impeachment..... 10440-10466
Article 2.	Removal by judicial proceedings..... 10467-10482
<b>CHAPTER 5.</b>	<b>BASTARDY PROCEEDINGS . . . . .</b> 10483-10500
<b>CHAPTER 6.</b>	<b>PROCEEDINGS IN CRIMINAL ACTIONS PROSECUTED BY INFORMATION OR INDICTMENT, TO THE COMMITMENT INCLUSIVE . . . . .</b> 10501-10624
Article 1.	Local jurisdiction of public offenses..... 10501-10519
Article 2.	Time of commencing criminal actions..... 10520-10524
Article 3.	The complaint, information or indictment and magistrates . . . . . 10525-10529
Article 4.	The complaint . . . . . 10530-10534
Article 5.	The warrant of arrest..... 10535-10555
Article 6.	Arrest, by whom and how made..... 10556-10579
Article 7.	Warrants and service thereof by telegraph.. 10580-10584
Article 8.	Railway police . . . . . 10585-10591
Article 9.	Retaking after an escape or rescue..... 10592, 10593
Article 10.	Identification of persons charged with crime. 10594
Article 11.	Preliminary examinations . . . . . 10595-10624
<b>CHAPTER 7.</b>	<b>PROCEEDINGS ON INFORMATION OR INDICTMENT....</b> 10625-10682
Article 1.	Preliminary provisions . . . . . 10625-10627
Article 2.	The information . . . . . 10628-10633
Article 3.	Calling of the grand jury..... 10634, 10635
Article 4.	Formation of the grand jury..... 10636-10655
Article 5.	Powers and duties of the grand jury..... 10656-10669
Article 6.	Presentment and proceedings therein..... 10670-10676
Article 7.	Finding and presentation of the indictment.. 10677-10682
<b>CHAPTER 8.</b>	<b>RULES OF PLEADING AND FORM OF THE INFORMATION OR INDICTMENT . . . . .</b> 10683-10707
<b>CHAPTER 9.</b>	<b>PLEADINGS AND PROCEEDINGS AFTER INFORMATION OR INDICTMENT AND BEFORE THE COMMENCEMENT OF THE TRIAL . . . . .</b> 10708-10787
Article 1.	Arraignment of the defendant..... 10708-10727
Article 2.	Setting aside the information or indictment.. 10728-10734
Article 3.	Demurrer . . . . . 10735-10745
Article 4.	Plea . . . . . 10746-10755
Article 5.	Removal of the action before trial..... 10756-10768
Article 6.	The mode of trial..... 10769-10772
Article 7.	Formation of the trial jury..... 10773-10786
Article 8.	Postponement of the trial..... 10787
<b>CHAPTER 10.</b>	<b>PROCEEDINGS AFTER THE COMMENCEMENT OF THE TRIAL AND BEFORE JUDGMENT.....</b> 10788-10901
Article 1.	Challenging the jury..... 10788-10820
Article 2.	The trial . . . . . 10821-10867

## TABLE OF CONTENTS.

### CODE OF CRIMINAL PROCEDURE—Continued.

	Section
<b>CHAPTER 10. PROCEEDINGS AFTER COMMENCEMENT, ETC.—Cont'd.</b>	
Article 3. Conduct of the jury after the cause is submitted to them.....	10868-10875
Article 4. The verdict .....	10876-10901
<b>CHAPTER 11. PROCEEDINGS AFTER VERDICT AND BEFORE JUDGMENT</b> .....	10902-10923
Article 1. Statement of the case and exceptions.....	10902-10915
Article 2. New trials .....	10916-10920
Article 3. Arrest of judgment.....	10921-10923
<b>CHAPTER 12. JUDGMENT AND EXECUTION</b> .....	10924-10988
Article 1. The judgment .....	10924-10942
Article 2. Indeterminate sentence and parole.....	10943-10949
Article 3. Probation of criminals.....	10950-10958
Article 4. Leniency for first offenders.....	10959
Article 5. Aid to poor convicts.....	10960
Article 6. The execution .....	10961-10966
<b>CHAPTER 13. APPEALS</b> .....	10989-11022
Article 1. Notice of appeal and service.....	10989-11006
Article 2. Dismissing appeal for irregularity.....	11007, 11008
Article 3. Argument of the appeal.....	11009-11012
Article 4. Judgment in supreme court.....	11013-11022
<b>CHAPTER 14. WITNESSES AND EVIDENCE</b> .....	11023-11062
Article 1. Compelling the attendance of witnesses.....	11029-11038
Article 2. Depositions in criminal actions.....	11039-11049
Article 3. Taken without the state.....	11050-11062
<b>CHAPTER 15. MISCELLANEOUS PROVISIONS</b> .....	11063-11171
Article 1. Inquiring into the insanity of the defendant before trial or after conviction.....	11063-11071
Article 2. Compensation for attorneys and witnesses.....	11072, 11073
Article 3. Compromising misdemeanors by leave of the court .....	11074-11077
Article 4. Corporations, criminal actions against.....	11078-11086
Article 5. Entitling affidavits .....	11087
Article 6. Errors and mistakes in pleadings or other proceedings .....	11088
Article 7. Disposal of property stolen or embezzled....	11089-11095
Article 8. Forfeiture of weapons.....	11096
Article 9. Reprieves, commutations and pardons.....	11097-11110
Article 10. Bail .....	11111-11126
Article 11. Search warrants .....	11129-11149
Article 12. Proceedings against fugitives from justice..	11150-11166
Article 13. Dismissal of the action before or after information or indictment found for want of prosecution .....	11166-11171
<b>CHAPTER 16. GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THIS CODE</b> .....	11172-11180
<b>CHAPTER 17. THE PENITENTIARY AND STATE REFORM SCHOOL</b> ....	11181-11303
Article 1. The penitentiary .....	11181-11183
Article 2. State reform school .....	11184-11190
Article 3. Governing boards, their appointment, qualification, organization and duties.....	11191-11203
Article 4. The warden and officers of the penitentiary and their duties .....	11204-11212
Article 5. How persons committed to the penitentiary.	11213, 11214
Article 6. Diminution of sentence for good conduct....	11215-11218

## TABLE OF CONTENTS.

### CODE OF CRIMINAL PROCEDURE—Continued.

	Section
<b>CHAPTER 17. THE PENITENTIARY, ETC.—Continued.</b>	
Article 7. Discipline, employment and discharge of inmates . . . . .	11219-11227
Article 8. Escapes . . . . .	11228
Article 9. Parole of inmates . . . . .	11229-11234
Article 10. Establishment and regulation of twine and cordage plant . . . . .	11235-11248
Article 11. Twine plant finances. . . . .	11249-11252
Article 12. Operation of twine plant. . . . .	11253-11255
Article 13. State prison revolving fund. . . . .	11256-11260
Article 14. Compensation of prisoners in state penitentiary . . . . .	11261-11269
Article 15. Employment of inmates of penitentiary upon public buildings and roads. . . . .	11270-11274
Article 16. The superintendent and officers of the reform school and their duties . . . . .	11275-11280
Article 17. Commitments to the reform school. . . . .	11281-11290
Article 18. Reform school parole. . . . .	11291-11294
Article 19. Status of inmates of reform school. . . . .	11295
Article 20. Insane inmates . . . . .	11296, 11297
Article 21. Decease of inmates. . . . .	11298-11303
<b>CHAPTER 18. COUNTY JAILS . . . . .</b>	<b>11304-11317</b>
<b>CHAPTER 19. COUNTY WORKHOUSES . . . . .</b>	<b>11318-11320</b>
<b>CHAPTER 20. PRISONS AND IMPRISONMENT FOR OFFENSES. . . . .</b>	<b>11321-11358</b>
<b>CHAPTER 21. HABEAS CORPUS . . . . .</b>	<b>11359-11399</b>
<b>CHAPTER 22. GENERAL PROVISIONS . . . . .</b>	<b>11400-11401</b>
<b>CHAPTER 23. JUVENILE COURT . . . . .</b>	<b>11402-11428</b>
<b>CHAPTER 24. STERILIZATION OF DEFECTIVES AND CRIMINALS. . . . .</b>	<b>11429-11438</b>