

All marriages contracted outside of this State, which are valid according to the laws of the state or county where contracted, shall be valid in this State.

§ 15. COPY OF RECORD TO CONSTITUTE EVIDENCE IN COURT.] The books of record of marriage licenses issued and certificates returned, kept by the judge of the county court of any county, and copies of entries therein, certified by such county auditor or clerk, under his official seal, shall be received as evidence in all courts.

§ 16. PENALTY FOR UNMARRIED PERSONS TO LIVE TOGETHER AS MAN AND WIFE.] Any persons living together as man and wife within this State without being married, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than one hundred (100) dollars nor more than five hundred (500) dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, and shall pay costs of the prosecution.

§ 17. MARRIAGE REGISTERS TO BE TURNED OVER TO COUNTY COURT.] It shall be the duty of the register of deeds, the judges of the county courts or other officers with whom certificates of marriage may have been filed, of each county to deliver to the judge of the county court of such county, within thirty days after the taking effect of this [act] all marriage registers in his office.

§ 18. CONFLICTING ACTS REPEALED.] Sections 34 to 53 inclusive, of the Civil Code, and all other acts and parts of acts in conflict with this act are hereby repealed.

Approved March 20, 1890.

MEDICAL SCIENCE.

CHAPTER 92.

[H. F. 186.]

FOR THE PROMOTION OF MEDICAL SCIENCE.

AN ACT to Promote Medical Science.

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

§ 1. WHAT DEAD BODIES MAY BE USED FOR DISSECTING.] It shall be lawful for any medical association, regular physician and surgeon, or the professors of any medical college, that is now or may hereafter become established within the State of North Da-

kota, to claim and receive the dead body of any person executed pursuant to sentence of law, all persons dying in the State Penitentiary or county jails while under sentence of law for crime, and to be used within the State for the advancement of anatomical science, preference being given to medical colleges established by law within this State, for their use in the instruction of students.

§ 2. REMAINS TO BE INTERRED.] Every physician, surgeon or professor before receiving any such dead body, shall give to the officer surrendering the same a sufficient bond that each body shall be used only for the promotion of anatomical science within this State and so as in no event to outrage public feeling; and that after having been so used the remains thereof shall be decently interred in some public cemetery.

§ 3. WHEN BODY NOT TO BE USED FOR DISSECTING.] If the deceased person during his last illness, of his own free will and accord, requested to be buried; or if within thirty-six hours after his death any friend or relation asks to have the body buried; or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so surrendered but shall be buried.

§ 4. All laws so far as they conflict with this act are hereby repealed.

Approved February 8, 1890.

CHAPTER 93.

[S. F. 13.]

REGULATING THE PRACTICE OF MEDICINE.

AN ACT to Regulate the Practice of Medicine in the State of North Dakota, to License Physicians, Surgeons and Obstetricians and to Punish Persons Violating the Provisions of this act.

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

§ 1. BOARD OF EXAMINERS, HOW APPOINTED—QUALIFICATION.] The Governor of this State shall appoint a board of examiners, to be known as the State Board of Medical Examiners, consisting of nine members of whom eight shall be practicing physicians in good standing, who shall hold their office for three years after such appointment, and until their successors are appointed; *Provided*, That the members thereof first appointed under this act shall be divided into three classes, each class to consist of three. The first class shall hold office under such appointment for the period of one year; the second class for two years, and the third class for three years from the date of their respective appointment. It

is further provided that no member thereof shall be appointed to serve for more than two terms in succession, and no member of any college or university having a medical department shall be appointed to serve as members of said board. Two members of said board shall be homœopathic physicians and one a lawyer.

§ 2. OFFICERS—MEETINGS FOR EXAMINATION—RECORD OF LICENSES.] Said Board of Medical Examiners shall elect a president, secretary and treasurer, and shall have a common seal. The president and secretary shall have the power to administer oaths. Said Board of Medical Examiners shall hold meetings for examination at such place or places as the board may designate, on the first Tuesday of January, April, July and October of each year, and such other meetings as said board may from time to time appoint. Said board shall keep a record of all the proceedings thereof, and also a record or register of applicants for a license, together with his or her age, time spent in the study of medicine, and the name and location of all institutions granting to such applicants degrees or certificates of lectures in medicine or surgery. Such register shall also show whether such applicant was rejected or licensed under this act. Said books and register shall be *prima facie* evidence of all matters therein recorded.

§ 3. EXAMINATIONS, HOW CONDUCTED—LICENSES, WHEN REVOKABLE.] All persons hereafter commencing the practice of medicine, surgery and obstetrics in any of its branches in this State, shall apply to said board for a license so to do, and such applicant at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches, to-wit: Anatomy, physiology, chemistry, histology, *materia medica*, therapeutics, preventive medicines, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, diseases of the eye and ear, medical jurisprudence, and such other branches as the board shall deem advisable, and present evidence of having attended three courses of lectures of at least six months each; said board shall cause such examination to be both practical and scientific, but of sufficient severity to test the candidate's fitness to practice medicine, surgery and obstetrics. When desired, said examination may be conducted in the presence of the dean of any medical school or the president of any medical society of the State. After examination, said board shall grant a license to such applicant to practice medicine, surgery and obstetrics in the State of North Dakota, which said license can only be granted by the consent of not less than seven members of said board, and which said license shall be signed by the president and secretary of said board and attested by the seal thereof. The fee of such examination shall be the sum of twenty (20) dollars, and shall be paid by the applicant to the treasurer of said board, to be applied by the said board towards paying the expenses thereof. And such board may revoke or refuse a license for unprofessional, dishonorable or im-

moral conduct, for chronic or persistent inebriety, the practice of criminal abortion, or for publicly advertising special ability to treat or cure diseases which, in the opinion of said board, it is impossible to cure. In complaints for violating the provisions of this section, the accused person shall be furnished with a copy of the complaint and given a hearing before said board in person or by attorney. In all cases of refusal or revocation the applicant may appeal to the appointing power of said board.

§ 4. LICENSES TO BE FILED.] The person so receiving said license shall file the same or a certified copy thereof with the register of deeds where he or she resides, and said register of deeds shall file said certificate or copy thereof, and enter a memorandum thereof, giving date of said license and name of person to whom same was issued, and the date of such filing, in a book to be provided and kept for that purpose, and a list of all certificates on file in his office, and upon notice to him of the change of location or death of a person so licensed, or of the revocation of the license granted to such person, said register of deeds shall enter at the appropriate places in the record so kept by him a memorandum of said fact; so that the record so kept by the said register of deeds shall correspond with the records of the said board as kept by the secretary thereof. In case a person so licensed shall move into another county of this State, he or she shall procure from the register of deeds a certified copy of said license, and file the same with the register of deeds in the county in which he or she shall remove. Said register of deeds shall file and enter the same with like effect as if the same was the original license.

§ 5. WHO EXEMPT FROM PROVISIONS OF THIS ACT.] This act shall not apply to commissioned surgeons of the United States army or navy, to the physicians or surgeons in actual consultation from other states or territories, or to actual medical students practicing medicine under the direct supervision of a preceptor.

§ 6. PENALTY FOR PRACTICING WITHOUT LICENSE.] Any person practicing medicine, surgery or obstetrics in this State without first having obtained the license herein provided for, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than fifty (50) dollars nor more than two hundred (200) dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days, or both fine and imprisonment. Any person shall be regarded as practicing within the meaning of this act who shall append the letters "M. D." or "M. B." to his or her name, or for a fee prescribe, direct or recommend for the use of any person, any drug or medicine, or other agency for the treatment, care or relief of any wound, fracture or bodily injury, infirmity or disease; *Provided, however,* This act shall not apply to dentists. It shall be the duty of the respective state's attorneys to prosecute violations of this act.

§ 7. All acts and parts of acts heretofore passed inconsistent with the provisions of this act are hereby repealed.

Approved January 10, 1890.

MILITIA.

CHAPTER 94.

[S. F. 183.]

SUSPENSION OF MILITIA LAWS.

AN ACT to Reduce the Expenses of the State by Suspending Sections 7 and 14 of Chapter 113, Laws of 1885, and Sections 20, 37 and 69 of Chapter 100, Laws of 1887, Relating to the Militia, and to Make Appropriations for Armory Rent of Companies, and for Adjutant General's Salary and Expenses.

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

§ 1. MILITIA LAWS SUSPENDED.] Sections 7 and 14 of Chapter 113 of the General Laws of 1885, and Sections 20, 37 and 69 of Chapter 100 of the General Laws of 1887, are hereby suspended and made inoperative until the second Tuesday of January, 1893, and from and after that date they shall be in full force and effect the same as if this act had never been passed.

§ 2. APPROPRIATION FOR ARMORY RENT, AND SALARY ADJUTANT GENERAL.] During the suspension provided for in Section 1, there is hereby appropriated out of the State Treasury the sum of three hundred (300) dollars a year for armory rent of each company, troop or battery that shall maintain its organization at its own expense, which sum shall be paid quarterly in advance. There is further appropriated the sum of four hundred (400) dollars a year for salary and expenses of the Adjutant General.

§ 3. EMERGENCY.] An emergency exists in this, that it is necessary to reduce the expenses of the State; therefore, this act shall take effect from and after its passage and approval.

Approved March 20, 1890.