
VETO

CHAPTER 292.

[H. B. No. 214—Williams.]

ASSESSMENT BANK STOCK.

AN ACT to Amend Section 1508 of the Revised Codes of North Dakota of 1905, Relating to the Assessment of Bank Stock; and to Provide a Method for Reviewing the Same; and to Repeal Inconsistent Provisions.

VETO**BISMARCK, MARCH 17, 1913.**

To the Honorable, the Secretary of State:

I file herewith House Bill No. 214, an Act to amend Section 1508 of the Revised Codes of North Dakota of 1905, relating to the assessment of bank stock; and to provide a method of reviewing the same; and to repeal inconsistent provisions, without my approval for the following reason:

Section 1508 of the Revised Codes, being the present law, provides that banks shall be assessed upon their capital, surplus and undivided profits, and that from this amount may be deducted an amount equal to five per cent of the loans and discounts of such bank. The idea of the five per cent deduction is that every bank has a certain amount of outstanding notes that may be questionable. As the bank is assessed its capital, surplus and undivided profits, it is only fair that a reasonable amount should be allowed to be deducted from the capital, surplus and undivided profits to offset any bad debts held by the bank and this law has stood upon the statutes for many years.

This proposed law strikes out the deduction of five per cent and provides that the banks shall be assessed upon their capital, surplus and undivided profits.

Believing that the present law is best and that it is only fair to the banks that a reasonable deduction should be granted them for bad debts and that they should be allowed the five per cent deduction, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 293.

[H. B. No. 290—F. W. Turner.]

TAXATION OF COMPANIES AND ASSOCIATIONS.

AN ACT to Amend Section 1503 of the Revised Codes of 1905, Relating to the Assessment of Property of Companies or Associations and the Listing of the Same.

VETO

BISMARCK, N. D., March 17, 1913.

To the Honorable, the Secretary of State:

I file herewith House Bill No. 290, An Act to Amend Section 1503 of the Revised Codes of 1905, Relating to the Assessment of Property of Companies or Associations and the Listing of the Same, without my approval, for the following reasons:

Section 1503 of the Revised Code of North Dakota for 1905, being the present law, adds together items five, six and seven and deducts the total of them from the fourth item. This proposed Act adds together the sixth and seventh items and deducts them from the total amount of the fourth and fifth items. I believe the present law is the best, and that it should stand as now on the statutes. The idea of this proposed Act is to get at the value of franchises for the purpose of taxation, but the taxation of franchises of corporations is now provided for in another section of our statutes.

Believing the present law to be best and that the matter of the taxation of franchises is already covered and that should this proposed Act been acted into law that it would work a hardship in many cases upon corporations which have no franchise value, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 294.

[S. B. No. 247—McDowell.]

AGRICULTURAL AND GEOLOGICAL SURVEY.

AN ACT to Amend and Re-enact Section 1129 of the Revised Codes of North Dakota for the Year 1905, Relating to the Agricultural and Geological Survey, and Appropriation Therefor.

VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 247, an Act to amend and re-enact Section 1129 of the Revised Codes of North Dakota for the year 1905, relating to the agricultural and geological survey, and appropriation therefor, without my approval.

We have at the present time a standing appropriation of \$1,000.00 annually to meet the necessary expenses of the agricultural and geological survey for work done upon the survey by the Agricultural College. The revenues of the state have been largely exceeded by the appropriations, and believing that the present appropriation is sufficient at this time, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 295.

[S. B. No. 194—Davis.]

DAIRY DEPARTMENT.

AN ACT Amending Sections 1 and 2 of Chapter 19 of the Session Laws of 1911, Making an Appropriation for the Dairy Department of the State of North Dakota.

VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 194, an Act amending Section 1 and 2 of Chapter 19 of the Session Laws of 1911, making an appropriation for the dairy department of the state of North Dakota, without my approval.

This proposed Act is vetoed for the reason that there is

now a standing appropriation for the dairy department of the state of North Dakota. This proposed Act does not carry a repeal of the present standing appropriation; therefore, if this bill should be approved there would be two standing appropriations for the dairy department of the state of North Dakota.

I therefore withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 296.

[S. B. No. 200—Wartner.]

DISTRICT JUDGES.

AN ACT Providing for the Payment of Expenses of District Judges when Acting Outside of the Counties of Their Residence, and to Amend Chapter 175 of the Session Laws of 1911.

VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file here with senate bill No. 200, an Act providing for the payment of expenses of district judges when acting outside of the counties of their residence, and to amend Chapter 175 of the Session Laws of 1911, without my approval.

This proposed Act provides that when a district judge is required to perform official duties outside of the county of his residence, the state shall be responsible for the actual and necessary traveling expenses of said judge, paid in going to and from his residence and subsistence while away from home. This would mean that a judge would be paid for his traveling and other expenses while in any other county of his district outside of the county in which he personally resides.

Believing that the district judges should perform their various official duties in the various counties of their several judicial districts at no additional expense other than their salaries to the state, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 297.

[S. B. No. 70—Hyland.]

DEAF AND DUMB SCHOOL.

AN ACT to Provide for the Erection of an Industrial Building at the School for the Deaf and Dumb at Devils Lake, North Dakota, and Making an Appropriation Therefor.

VETO

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith senate bill No. 70, an Act to provide for the erection of an industrial building at the school for the deaf and dumb at Devils Lake, North Dakota, and making an appropriation therefor, without my approval.

This proposed Act is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 298.

[S. B. No. 183—Garden.]

EQUALIZATION BOARD.

AN ACT to Amend Section 1531 of the Revised Codes of 1905, Relating to the State Board of Equalization, How Constituted. Its Meetings. Rules for Equalizing.

VETO

BISMARCK, MARCH 15, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 183, an Act to Amend Section 1531 of the Revised Codes of 1905, relating to the state board of equalization, how constituted; its meetings; rules for equalizing without my approval for the following reason:

This bill contemplates taking from the state board of equalization, as now constituted the commissioner of agriculture and labor, and substituting for him the chairman of the state tax commission. It was the original intention that the commissioner of agriculture and labor should be

a member of the state board of equalization in a special sense to represent the farming interests of the state, and I believe that he should remain a member of the state board of equalization.

Also, for the further reason that the commissioner of agriculture and labor is elected by the people, his position being an elective one, while the chairman of the state tax commission is an appointive position, and it would seem that it would be better for the state board of equalization to be constituted of officials elected by the people rather than that any part of them should hold their positions by an appointment.

Believing that the present law, which now provides for the state board of equalization, and who and by whom it shall be constituted, is the best, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 299.

[H. B. No. 260—Owens.]

EXPERIMENT STATION, WILLISTON.

AN ACT Making an Appropriation for the Williston Experiment Station
Located at Williston, in Williams County, North Dakota.

VETO

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith house bill No. 260, An Act making an appropriation for the Williston experimental station located at Williston in Williams county, North Dakota, without my approval.

This proposed Act is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 300.

[H. B. No. 193—Hjort and Stinger.]

EXPERIMENT STATION, HETTINGER.

AN ACT Making Appropriation for the Deficit, Covering the Support and Maintenance During the Last Biennial Period, of the Agricultural Sub-Experiment Station, Located at Hettinger.

VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith house bill No. 193, An Act making appropriation for the deficit covering the support and maintenance during the last biennial period of the agricultural sub-experiment station located at Hettinger without my approval.

This proposed Act is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 301.

[S. B. No. 167—Hughes.]

EXECUTIVE MANSION.

AN ACT Providing for the Making of Necessary Repairs Upon the Executive Mansion and Making Appropriation Therefor.

VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith senate bill No. 167, an Act providing for the making of necessary repairs upon the executive mansion and making appropriation therefor, without my approval.

This proposed Act is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 302.

[S. B. No. 271—Englund.]

FREIGHT RATES, COAL, ETC.

AN ACT to Amend and Re-enact Section 4395 of the Revised Codes of North Dakota for 1905, as Amended by Chapter 51, Session Laws of 1907, Relating to the Maximum Freight Rate on Coal and Briquettes, and Defining the Term Briquettes.

VETO

BISMARCK, N. D., MARCH 17, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 271, An Act to Amend and Re-enact Section 4395, of the Revised Codes of North Dakota, as Amended by Chapter 51, Session Laws of 1907, relating to the maximum freight rates on coal and briquettes, and defining the term briquettes without my approval, for the reason that this bill contemplates providing a combined maximum coal and briquette rate of freight. At the present time there is a case pending in the supreme court of our state between the railroad companies and the state of North Dakota as to the maximum coal rate, which applies especially to lignite coals of North Dakota. Should I approve senate bill No. 271, the bill providing for a combined maximum coal and briquette rate, it might have some influence or bearing upon the case which is now before the supreme court. The state of North Dakota has been at a large expense in obtaining testimony and preparing its case to maintain that the present freight rates on lignite coal are not unreasonable. At the present time there is a very large amount of lignite coal being shipped over the state from the many working mines, and it is essentially necessary to their development that they have a reasonable coal rate, and it would seem the best policy at this time to let the present coal rate law upon our statutes stand until the present suit has been determined. The briquetting of coal is as yet in its infancy, and the legislature two years hence can make a rate on briquetted coal, independent, if necessary, of the coal rate.

Believing, therefore, that it is not best at this time to pass a law that shall combine the coal and briquette freight rates together, I withhold by approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 303.

[S. B. No. 201—Bronson.]

GEOLOGICAL SURVEY.

AN ACT Amending Section 1070 of the Revised Codes of North Dakota for 1905, and Making an Appropriation to Meet the Necessary Expenses of the State Geological Survey.

VETO

BISMARCK, March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith senate bill No. 201, an Act amending Section 1070 of the Revised Codes of North Dakota for 1905, and making an appropriation to meet the necessary expenses of the state geological survey, without my approval.

We have at the present time a standing appropriation of \$1,000.00 annually to meet the necessary expenses of the geological survey for work done upon the survey by the state university. The revenues of the state have been largely exceeded by the appropriations, and believing that the present appropriation is sufficient at this time, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 304.

[S. B. No. 158—Overson.]

HISTORICAL SOCIETY.

AN ACT to Repeal Chapters 132 and 133 of the Session Laws of 1907, and Chapter 139 of the Session Laws of 1909, Relating to the Historical Society of North Dakota, and Making an Appropriation.

VETO

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 158, an Act to repeal Chapter 132 and 133 of the Session Laws of 1907, and Chapter 139 of the Session Laws of 1907, and Chapter 139 of the Session Laws of 1909, relating to the historical society of North Dakota, and making an appropriation, without my approval.

There is now a standing appropriation for the maintenance of the state historical society and this proposed Act would increase the amount of money for the general expenses of the state historical society of the state of North Dakota.

The revenues of the state have been largely exceeded by the appropriations and for this reason I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 305.

[S. B. No. 288—Overson.]

CRIMINAL CASES, INSTRUCTIONS.

AN ACT to Amend and Re-enact Sections 9987 and 10078 of the Revised Codes of North Dakota for 1905, Relating to Instructions in Criminal Cases, and to Repeal Section 9988 Thereof.

VETO

BISMARCK, MARCH 17, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 288. An Act to Amend and Re-enact Section 9987 and 10078 of the Revised Codes of North Dakota for 1905, Relating to Instructions in Criminal Cases, and to Repeal Section 9988 Thereof, without my approval, for the following reasons:

The purpose of our present law is that the state shall be fair with the defendant and the defendant be equally fair

with the state. Senate Bill No. 288 provides that every instruction given in a criminal case shall be deemed excepted to. It repeals the provisions of the law empowering the trial court to submit the written charge to the defendant before instructing the jury, and takes away the power to exact from defendant that he so designate his objections thereto. In practice it will give the defendant another technical advantage, as every instruction is deemed excepted to, whether at the time satisfactory or not to the defendant and abrogates an opportunity now had by the court to avoid error. This measure appears to be more of a trap for courts than a safeguard to the rights of the accused. Its results would be to increase reversals and necessarily increase the unjust criticism arising from reversals, sometimes seemingly technical, but which grow in fact from the necessary enforcement of statutes of which this is an example, and which tend to magnify matters of mere court procedure during trials into so-called substantial rights of a defendant.

For the above reasons I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 306.

H. B. No. 147—Anderson.]

TRAVELING LIBRARIES.

AN ACT to appropriate the Sum of Five Thousand Dollars for the Biennial Period for the Purchase of Books by the Public Library Commission, With Especial Reference to the Needs of Farmers,' School and Community Libraries.

VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith house bill No. 147, an Act to appropriate the sum of five thousand dollars for the biennial period, for the purchase of books by the public library commission, with especial reference to the needs of farmers' school and community libraries, without my approval.

This proposed Act is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 307.

[H. B. No. 45—Watt.]

MILLING EXPERIMENTS.

AN ACT Appropriating Money for Experiments to Determine the Milling Value of Cereals, the Baking and Other Chemical Properties of the Flours Produced Therefrom and the Chemical Composition Thereof, and Providing for the Publication of the Information Thereby Obtained and Making an Appropriation for Such Work.

VETO

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file here with house bill No. 45, an Act appropriating money for experiments to determine the milling value of cereals, the baking and other chemical properties of the flours produced therefrom and the chemical composition thereof, and providing for the publication of the information thereby obtained, and making an appropriation for such work, without my approval.

This proposed Act provides for an appropriation to determine by experiments the milling value of cereals. We now have a standing appropriation for milling experiments. The revenues of the state have been largely exceeded by the appropriations, and believing that the present appropriation for milling experiments is sufficient at this time, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 308.

[S. B. No. 250—Kretschmar.]

LAND APPRAISEMENTS.

AN ACT to Amend Section 155 of Chapter 4 of the Political Code of the State of North Dakota, and all Acts or Parts of Acts Amendatory Thereof, Providing for the Investment in Bonds and Mortgages of all Moneys Belonging to the Permanent Funds of the Common Schools, University, School of Mines, Reform School, Agricultural College, Scientific School, School for the Deaf and Dumb, Industrial School, Normal Schools, Blind Asylum, Insane Asylum and Soldiers' Home.

VETO**BISMARCK, March 17, 1913.****To the Honorable, the Secretary of State:**

I file herewith Senate Bill No. 250, an Act to Amend Section 155 of Chapter 4 of the Political Code of the State of North Dakota, and all Acts or Parts of Acts amendatory thereof, providing for the investment in bonds and mortgages of all moneys belonging to the permanent funds of the Common Schools, University, School of Mines, Reform School, Agricultural College, Scientific School, School for the Deaf and Dumb, Industrial School, Normal Schools, Blind Asylum, Insane Asylum, and Soldiers' Home without my approval for the following reason:

Section 2 of the Act provides for two appraisements of lands where an applicant makes application to obtain a loan upon his land. I do not believe that the applicant for a farm mortgage loan from the state should be put to the expense of two appraisals, and I therefore withhold my approval.

I have the honor to be,

Very Respectfully,

L. B. HANNA,
Governor.

CHAPTER 309.

[H. B. No. 361—Moen.]

HIGHWAYS.

AN ACT to Amend and Re-enact Section 1350 of the Revised Codes of 1905, as Amended in Chapter 148 of the Laws of 1911, Relating to Laying Out, Altering or Discontinuing Roads.

VETO

BISMARCK, March 17, 1913.

To the Honorable, the Secretary of State:

I file herewith House Bill No. 361, an act to amend and re-enact Section 1350 of the Revised Codes of 1905, as amended in Chapter 148 of the Laws of 1911, relating to laying out, altering or discontinuing roads, without my approval, for the reason that this proposed law provides that whenever a petition is received by a board having jurisdiction requiring a new road to be laid out, it shall be the duty of said board to employ a competent surveyor survey and lay out said road, and such survey shall include a line of levels to be run over the laid out road and a grade line to be established thereon, and other provisions. It would seem that it would be against public policy to enact this proposed bill into law, by reason of the very large expense that would be entailed upon the people if they were required to employ surveyors to lay out every new road and to have prepared plans and profiles of the survey made.

Believing this proposed measure would entail too large an expense upon the people of the state, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 310.

[S. B. No. 43—Talcott.]

RURAL AND GRADED SCHOOLS.

AN ACT to Authorize the Superintendent of Public Instruction to Publish the Report of the State Inspector of Rural and Graded Schools for 1912, and to appropriate Money to Defray the Expense of the Same, and to Meet the Deficiency in the Expenses of the State Inspector of Rural and Graded Schools.

VETO.**BISMARCK, N. D., March 21, 1913.**

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 43, an Act to authorize the superintendent of public instruction to publish the report of the state inspector of rural and graded schools for 1912, and to appropriate money to defray the expenses of the same, and to meet the deficiency in the expenses of the state inspector of rural and graded schools, without my approval.

This proposed Act is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 311.

[S. B. No. 185—Putnam.]

REIMBURSE PROFESSOR LADD.

AN ACT for an Appropriation to Reimburse Professor E. F. Ladd for Disbursements and Expenses Incurred in the Enforcement of the Pure Food Laws.

VETO

BISMARCK, March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith senate bill No. 185, an Act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws, without my approval.

This proposed Act provides for an appropriation of \$500.00 to be paid Professor E. F. Ladd for certain attorney's fees and expenses in a case brought by the state of North Dakota against Armour & Company. The state of North Dakota has an attorney general and two assistants, whose salaries are paid by the state, and they are also allowed a certain amount of money for necessary expenses. The attorney general's office is the law office for the different departments of the state, and it would seem that any case that might be brought in behalf of the state should be brought through the office of the attorney general. Believing that to approve this bill would be to establish a bad precedent, and also believing that all cases brought by the state of North Dakota should be prosecuted by and through the office of the attorney general, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 312.

[S. B. No. 162—Mudgett.]

HISTORY OF STATE TROOPS.

AN ACT to Create a Board to Prepare and Publish a History of North Dakota Troops in the Spanish-American War and Philippine Insurrection, and Appropriating Money to Pay Therefor.

VETO**BISMARCK, N. D., March 21, 1913.**

To the Honorable, the Secretary of State:

I file herewith senate bill No. 162, an Act to create a board to prepare and publish a history of North Dakota troops in the Spanish-American war and Philippine insurrection, and appropriating money to pay therefor, without my approval.

This proposed Act is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 313.

[S. B. No. 322—Heckle.]

SPECIAL VERDICTS.

AN ACT Pertaining to Verdicts and Findings and Abolishing Special Verdicts in Civil and Criminal Actions.

VETO

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 322, an Act pertaining to verdicts and findings and abolishing special verdicts in civil and criminal actions without my approval for the following reason:

This proposed law abolishes special verdicts in all civil causes. It thereby effects a most radical change in the existing statute on the subject without corresponding benefits. Our present law on the subject is of long standing, having been adopted in 1868 as a part of the code of civil procedure borrowed from the Field Code of New York State, and it is in harmony with the practice in most, if not all, the code states or those having the reformed procedure. The fact that it has stood the test of this long period of time—forty-five years—without material change is quite persuasive proof that it is meritorius. If it is unwise legislation then it would seem that it would have been discovered by the bench and bar and a repeal thereof demanded long since. The proposed legislation would require the courts in all cases to instruct the jury generally upon the law of the case and necessitate the application by the jury of such laws to the facts of the case, and in cases involving numerous and complicated issues and questions of law this is often impractical. In such cases the present statutes authorize the court to direct the jury to merely find the facts, leaving it to the court thereafter to apply the law to such facts. By such practice errors are frequently eliminated and expensive mistrials obviated.

Believing that the proposed change would prove detrimental rather than beneficial to the administration of justice, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 314.

[H. B. No. 227—Owens.]

TAXATION PERSONAL PROPERTY.

AN ACT to Authorize Changes in the Schedule of Items to be Listed and Valued for Purposes of Taxation.

VETO

BISMARCK, N. D., March 17, 1913.

To the Honorable, the Secretary of State:

I file herewith House Bill No. 227, an Act to authorize changes in the schedule of items to be listed and valued for purposes of taxation, without my approval for the following reasons:

This proposed law provides that the tax commission shall have power to order changes in the schedule of items required to be listed for valuation for purpose of taxation.

Section 1496 of the Revised Code already provides how property may be listed and the schedule of items and for the division of items into sub-divisions.

Believing that the present law is entirely adequate upon this subject, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 315.

[H. B. No. 258—Norheim.]

TAXES, LIMITING LEVIES.

AN ACT to Limit Tax Levies During the Years 1913 and 1914, to Restrict Debt Limits, and to Regulate Salaries of Officers Which, Under Existing Laws, Depend Upon Assessed Valuation.

VETO

BISMARCK, N. D., March 17, 1913.

To the Honorable, the Secretary of State:

I file herewith House Bill No. 258, an Act to Limit Tax Levies during the years 1913 and 1914, to restrict debt limits; and to regulate salaries which, under existing laws, depend upon assessed valuation, without my approval for the following reasons:

It is proposed under this Act to limit the amount that may be levied in 1913 by the state board of equalization for cer-

tain purposes to not more than 105 per cent of the amount that was levied in the year 1912 and for the year 1914 to not more than 110 per cent of the amount levied in 1912.

In the case of the glandered horse funds it would be extremely difficult to take care of the cases presented to the state auditing board for settlement for glandered horses and to meet the requirements of this proposed law.

Further, in Section 5 of this proposed Act, the debt limit of municipalities in this state shall not be increased in 1913 and 1914 more than ten per cent of that now fixed by law on the basis of that fixed for 1912. The idea of this Act is that the assessed valuation of property in the state may be materially raised and at the same time to provide some safe-guard to hold down the salaries of officers, the amount of levies that might be made and the debt limit of municipalities.

I do not believe that Section 5 would be held constitutional by the courts for the reason that the constitution of this state specifically states as to what the debt limit of municipalities may be and if the valuation of the state were raised to the true value of the property, it would of necessity raise the debt limit of municipalities.

Believing this proposed Act is not in accord with public policy, that it would be a hard law to work under, and that the good which it is intended to do would not be overcome by the many features in the law which it would be hard or unwise to enforce, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 316.

[S. B. No. 348—Joint Sub-Committee on Education.]

DISMISSAL OF TEACHERS.

AN ACT to Amend and Re-enact Section 72 of Chapter 266 of the Session Laws of 1911, Relating to Teachers employed by District School Boards and their Salaries.

VETO

BISMARCK, N. D., March 12, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 348, An Act to Amend and Re-enact Section 72 of Chapter 266 of the Session Laws of 1911, relating to teachers employed by district school

boards, and their salaries, without my approval, for the following reasons:

This bill provides that a teacher may be dismissed for cause, violation of contract, immorality or continued neglect of duty. The present law provides that a teacher may be removed for violation of contract, gross immorality or flagrant neglect of duty. This proposed law provides in addition that a teacher may be dismissed at any time for cause. It would seem as though the word "cause," not being specifically defined as to what it shall mean, might place any teacher in the state in a position where he or she might be obliged to defend himself or herself against any charge that might be made, whether justly or unjustly. Believing that this would not be fair to the teachers of the state and that the present law is in every way adequate, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA

Governor.

CHAPTER 317.

[S. B. No. 337—Joint Sub-Committee on Education.]

TEACHERS TRAINING SCHOOLS.

AN ACT to Amend Section 282 of Chapter 266 of the Session Laws of 1911, Relating to Conductors and County Superintendents Filing Statement of Number of Schools With County Auditor.

VETO

BISMARCK, N. D., March 12, 1912.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 337, an Act to amend Section 282 of Chapter 266 of the Sessions Laws of 1911, relating to conductors and county superintendents filing statement of number of schools with county auditor, without my approval, for the following reasons:

This bill states that the county superintendents shall certify to the total number of teachers in the public schools in said county in which school has been taught at least four months during the preceding school year. The bill or law should state as to the number of schools and separate departments in graded and high schools in said county in which school has been taught at least four months during the preceding school year, rather than as to the number of teachers in the public schools, as is proposed.

Further, the present fee which is paid by the county treasurer to the county institute fund from the county general revenue fund is two dollars and this proposed law raises it to three dollars. Under the present law there is a sufficient amount of money now provided for to take care of the training schools, and to raise the amount would only place an additional burden upon the taxpayers.

For these reasons I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 318.

[S. B. No. 221—Davis.]

TAX COMMISSION.

AN ACT to Amend Sections 6, 7 and 8, and to Repeal Section 14 of Chapter 303 of the Session Laws of 1911, Relating to the Organization and Expenses of the State Tax Commission.

VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith senate bill No. 221, an Act to amend Sections 6, 7 and 8, and to repeal Section 14 of Chapter 303 of the Session Laws of 1911, relating to the organization and expenses of the state tax commission, without my approval, for the following reasons:

I believe that a tax commission composed of three members is entirely unnecessary and that the expense of such a large commission is uncalled for and that it is too heavy a burden to the taxpayers of the state. It is estimated that the expense of the commission for two years will amount to between forty and fifty thousand dollars. It would seem as though it would have been the wise policy for the legislature which has just adjourned to have either repealed the tax commission law entirely, or to have amended the present law so as to provide for one tax commissioner, whose duties it should have been to have made general inquiry into the subject of taxation in the state and to have reported the result to the next session of the legislature for such action as the legislative assembly might deem wise. A single tax commissioner appointed for two years would have been entirely adequate to have made such an inquiry and report, and it could have been done

with a saving to the state of at least thirty thousand dollars, and public service equally efficient and valuable to the state could have been rendered.

The revenues of the state have been largely exceeded by the appropriations made, and believing that there are many institutions in the state much more in need of the money proposed to be expended under the provisions of this Act, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

CHAPTER 319.

[S. B. No. 150—Bronson.]

PERSONAL INJURIES.

AN ACT Relating to Settlements of Causes of Action or Cases for Damages Sustained Through Personal Injuries and Contracts of Retainer Made Therefor.

VETO

BISMARCK, N. D., March 17, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 150, an Act relating to settlements of causes of action or cases for damages sustained through personal injuries and contracts of retainer made therefor, without my approval, for the following reason:

The proposed act provides that any settlement for damages on account of personal injuries shall be voidable if made within thirty days from the date of such injury. This would, in many cases, work a hardship and would seem to be against the best interests of those who may have been injured. It would be impossible for any person or corporation to settle any damages for personal injuries within thirty days, for if they did, then the party with whom they had settled could at any time within six months after the date of such injury bring action to recover damages and any settlement or adjustment that had been made would not be a bar to the prosecution of such action.

Believing that this proposed act would be against the best interests of those who may be unfortunate enough to receive personal injuries, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.