

LAWS

PASSED AT

THE THIRTEENTH SESSION

OF THE

Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID STATE
ON TUESDAY, THE SEVENTH DAY OF JANUARY, A. D. 1913,
AND CONCLUDING MARCH SEVENTH, 1913.

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By THOMAS HALL

**Secretary of State of the State of
North Dakota**

Authentication

STATE OF NORTH DAKOTA,
Secretary's Office, Bismarck.

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Thirteenth Session of the Legislative Assembly of the State of North Dakota, beginning January 7th, 1913, and terminating March 7th, 1913, now on file in this office, with the exception of clerical errors.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this twentieth day of April, 1913.

THOMAS HALL,
Secretary of State.

[SEAL.]

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THE LAWS

ABSTRACTORS

CHAPTER 1.

[H. B. No. 307—Walsh.]

ABSTRACTORS OF TITLE.

AN ACT to Amend and Re-enact Section 2231 of the Revised Codes of North Dakota, as Amended by Chapter 1 of the 1907 Session Laws, Relating to Abstractors of Title, and to Repeal Chapter 329 of the Session Laws of 1911, Relating to Abstractors of Title.

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

§ 1. AMENDMENT.] Section 2231 of the Revised Codes of North Dakota for 1905 is amended and re-enacted to read as follows:

§ 2231. ABSTRACTORS TO GIVE BONDS.] It shall be unlawful for any person, firm or corporation to engage or continue in the business of making or compiling abstracts of title to real estate in this state or to demand and receive pay for the same without first having for use in such business a complete set of abstract books, or records of all instruments filed or of record in the office of the register of deeds in and for the county in which such business is to be conducted, or in good faith engaged in the preparation for not less than three months of such books or records, and without first filing in the office of the county auditor of the county in which such business is to be conducted, a surety or personal bond to the county in the penal sum of ten thousand dollars for each and every ten thousand inhabitants, or major part of that number residing within such county, as shown by the official federal or state census last taken prior to the filing of such bond, to be approved as to form and security by the board of county commissioners of such county, conditioned for the payment by such abstractors of any and all damages that may be sustained by or accrue to any person by reason or on account of any error, deficiency or mistake in any abstract or certificate

of title or continuation of an abstract of title made and issued by such person, firm or corporation; *provided*, that in counties containing less than a major part of ten thousand inhabitants, the bond herein required shall be for not less than five thousand dollars. *Provided*, that if a personal bond is given there shall be at least three sureties, none of whom shall be officers or stockholders of the abstract company and each of whom shall justify for the full amount of the bond.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith, and especially Chapter 329 of the 1911 Session Laws, are hereby repealed.

§ 3. EMERGENCY.] Whereas, in the opinion of the legislative assembly an emergency exists; therefore, this Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1913.

ACCOUNTANCY

CHAPTER 2.

[H. B. No. 328—Norheim.]

BOARD OF ACCOUNTANCY.

AN ACT to Regulate the Certification of Public Accountants and the Practicing of the Professor of Accountancy in North Dakota.

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

§ 1. BOARD OF ACCOUNTANCY.] The trustees of the State University shall appoint a board of three members, which board shall be known as a board of accountancy. The term of office of the members of this board shall be five years. Vacancies in this board shall be filled in the same manner as original appointments are made. Members of this board shall receive for their services actual expenses incurred in the discharge of their duties and an amount sufficient to defray clerk hire, and no more. Of the members of this board, one shall be an educator, one an attorney, and one a person skilled in the practice of accounting.

§ 2. POWERS AND DUTIES OF THE BOARD.] The board of accountancy shall conduct examinations and shall exercise such powers and perform such duties as may be prescribed by the trustees of the State University.

§ 3. CERTIFIED PUBLIC ACCOUNTANT.] Any person in order to assume the title of certified public accountant or the abbreviation C. P. A. or any other words or letters or abbreviations tending to indicate that the person, firm, or corporation so using the same is a certified public accountant must receive a certificate as a certified public accountant. Certificates shall be granted to those persons with the necessary general qualifications who shall pass the required examinations or for whom such examinations shall be waived.

§ 4. QUALIFICATIONS.] Any person of good moral character twenty-one years of age or over, residing in North Dakota or having a place for the regular transaction of business in this state, shall be deemed qualified to become a candidate for the title of certified public accountant.

§ 5. EXAMINATION.] Examinations shall be held at such place and at such time, but at least one (once) a year, as the trustees of the University may designate. Public notice of an examination shall be given at least thirty days before the date of each examination, in such manner as the trustees of the State University may determine. The examination shall cover the theory of accounts, practical accounting, political economy, commercial law, and such other subjects as the trustees of the State University may designate. An oral examination for general fitness may be also required.

§ 6. WAIVER OF EXAMINATION.] The trustees of the State University may waive examination of any person possessing the general qualifications, who has practiced in North Dakota for more than one year as a public accountant on his own account before the passage of this Act, and who shall apply for a certificate of a certified public accountant within a year thereafter.

§ 7. CERTIFICATE.] The trustees of the State University shall have the power to issue the certificate of certified public accountant, which certificate shall remain good and valid during the good behavior of the holder. The trustees of the State University may revoke a certificate for sufficient cause and after written notice to the holder thereof and after a full hearing.

§ 8. The trustees of the University shall fix the amount of the fees to be paid by the applicants for the title of certified public accountant. Such fees shall be used by the trustees of the University to pay the necessary expense incurred in offering the examinations.

§ 9. PENALTIES.] Any certified public accountant who shall falsify a report, statement, investigation or audit, or who shall in any other manner be guilty of a misrepresen-

tation as a certified public accountant, shall be guilty of a misdemeanor and shall be punished accordingly.

Approved March 14, 1913.

ADVERTISING

CHAPTER 3.

[H. B. No. 283—Lewis.]

FALSE AND MISLEADING ADVERTISING.

AN ACT to Prohibit False and Misleading Advertising of all Kinds, and Providing a Penalty Therefor.

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

§ 1. Any person, firm, corporation or association who, with intent to sell or in any wise dispose of foods, drugs, medicines, merchandise, securities, service, paints, varnishes, oils, clothing, wearing apparel, machinery, or anything offered by such person firm or corporation, or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes directly or indirectly, to be made published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, tag, label or letter, or in any other way, an advertiesment of any sort regarding foods, drugs, medicines, patent and proprietary products, merchandise, securities, service, medical treatment, paints, varnishes, oils, clothing, wearing apparel, machinery, or anything so offered to the public, which advertisement contains any assertion representation or statement of fact which is untrue, deceptive, or misleading, shall be guilty of a misdemeanor.

§ 2. It shall be the duty of the State's attorneys, sheriffs, police officers, health officers and the food commissioners to enforce the provisions of this statute, and for the purpose thereof they shall have ingress and egress to all places of business where it is believed that violations of this statute, as hereinbefore defined, are being made. Grand juries and state's attorneys shall have full inquisitorial powers over

offenses committed under this act, and states' attorney shall make investigations and prosecutions when proper evidence is furnished to them.

§ 3. Any person, firm, corporation, or association violating the provisions of this statute, or who aids another to violate the same, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for the first offense and for each subsequent offense shall be fined not less than one hundred (\$100.00) dollars, or sixty (60) days in jail, or both, at the discretion of the court.

Approved March 11, 1913.

AGRICULTURAL REPORTS

CHAPTER 4.

[H. B. No. 294—Twichell.]

DISCONTINUES DISTRIBUTION OF AGRICULTURAL REPORTS.
AN ACT Repealing Chapter 283 of the Laws of North Dakota for the Year 1911.

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

§ 1. REPEAL.] That Chapter 233 of the Laws of North Dakota for the year 1911 be and the same is hereby repealed.

Approved March 11, 1913.

APPROPRIATIONS

CHAPTER 5.

[S. B. No. 136—Porterfield.]

AGRICULTURAL COLLEGE.

An Act to Provide for Increased Maintenance and Contingent Expenses for Establishing and Maintaining an Agricultural Extension Department and Other Permanent Improvements and Repairs for the North Dakota Agricultural College.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 136, an Act to provide increased maintenance and contingent expenses, for establishing and maintaining an agricultural extension department and other permanent improvements and repairs for the North Dakota Agricultural College, with my approval, except as to item of \$25,000.00 for maintenance for the year 1914, and except as to item of \$20,000.00 for agricultural extension work for the year 1913.

These two items are 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.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds in the state treasury not otherwise appropriated for the purpose of defraying the current and contingent expenses, for establishing and maintaining a department of agricultural extension and for making other needed repairs and permanent improvements for the North Dakota Agricultural College as follows:

For maintenance and current expenses for the support of the agricultural college for 1913 and 1914, annually\$ 25,000.00

For agricultural extension, a department which is hereby recognized and legally established

which shall provide for additional farmers' institutes and demonstration farms, together with other educational and demonstration work, including lecture courses, publishing popular bulletins, conducting extension schools, promoting industrial exhibits and industrial contests, and such other field or demonstration work as may be demanded by the farming interests of the state, for 1913 and 1914, annually

For repairs	20,000.00
For re-laying worn-out steam-heating mains ...	5,000.00
For dairy and creamery building and the equipment thereof and for model barn therein	1,500.00
For dairy herd	30,000.00
	5,000.00
Total amount	\$131,500.00

Approved March 21, 1913.

CHAPTER 6.

[S. B. No. 44—Talcott.]

RURAL SCHOOLS.

AN ACT to Amend and Re-enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, of Chapter 35 of the Session Laws of the year 1911, of the State of North Dakota, Being an Act to Encourage Elementary Education in North Dakota, and Appropriate Money Therefor.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 44, an Act to amend and re-enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, of Chapter 35 of the Session Laws of the year 1911 of the state of North Dakota, being an Act to encourage elementary education in North Dakota, and appropriate money therefor, with my approval, except as to item in Section 12 of \$2,000.00 annually for inspector's and assistant's salary, which is not approved for the reason that the inspector's and assistant's salary is provided for in the so-called budget bill; and except as to item in Section 12 of \$400.00 annually for payment of postage, stationery, and clerical assistance required by the inspector and the printing of the inspector's annual report. This item is not approved for the rea-

son 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.

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

§ 1. AMENDMENT.] That Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of Chapter 35 of the Session Laws of the year of 1911 of the state of North Dakota, be amended and re-enacted to read as follows:

§ 1. PURPOSE.] The purpose of this Act shall be to aid, encourage, stimulate, and standardize the rural, consolidated and graded schools of this state, and thereby increase the efficiency of the entire educational system of this state.

§ 2. GRADED, CONSOLIDATED AND RURAL SCHOOLS MAY OBTAIN STATE AID.] Any public school in any common school district in the state, or any public school in any city, town or village, or any consolidated school in the state, not entitled to aid as a state high school, but fully complying with the conditions of this Act relating to state graded schools, and any public school in any common school district in the state not located in any incorporated city, town or village, but fully complying with the conditions of this Act relating to state rural schools, may receive aid as hereinafter provided for state consolidated schools, state graded schools and state rural schools.

§ 3. CONDITIONS TO BE COMPLIED WITH BY THE STATE GRADED SCHOOLS IN ORDER TO OBTAIN AID.] State graded schools shall be of two classes, viz: first and second class. First class: In order to be entitled to aid as a state graded school of the first class, such school shall for the school year next preceding that for which aid is granted have complied with the following conditions: First, it shall have maintained at least nine months' school. Second, it shall be well organized, having at least four departments under the supervision of proficient teachers. The principal shall be a graduate of a normal or other institution of higher learning or shall hold a professional certificate, and each department of such school shall be taught by a teacher having at least a first grade elementary certificate. Third, it shall have a suitable school building, properly lighted, heated and ventilated, sanitary and commodious outhouses, and other necessary accommodations, library and such other apparatus as is necessary to do efficient work. Fourth, such school shall have a regular and orderly course of study, and shall in-

clude the first two years of a high school course, as suggested by the state board of education, as well as courses in domestic science and either manual training or elementary agriculture, and shall comply with such rules as may be established by the state board of education.

Second Class: In order to be entitled to aid as a state graded school of the second class, such school shall have complied with the following conditions for the school year next preceding that for which aid is granted, viz.: First, it shall have maintained at least nine (9) months' school. Second, it shall be well organized, having at least two departments under the supervision of proficient teachers. The principal shall be a graduate of a normal school or other institution of higher learning or shall hold a professional certificate, and each department of such school shall be taught by a teacher having a first-grade elementary certificate or better. Third, it shall have a suitable school building, properly lighted, heated and ventilated; sanitary and commodious outhouses and other necessary accommodations, a library, and such other apparatus as is necessary to do efficient work. Fourth, such school shall have a regular and orderly course of study as prescribed in the state course of study for common schools, courses in domestic science, and either manual training or agriculture, and shall comply with such rules as may be established by the state board of education.

§ 4. CONDITIONS FOR OBTAINING AID AS A STATE RURAL SCHOOL.] State rural schools shall be of two classes, viz.: first and second class.

First Class: In order to be entitled to aid as a state rural school of the first class, such school shall have complied with the following conditions during the school year next preceding that for which aid is granted; First, such school shall have maintained at least nine (9) months' school.

Second: It shall be taught by a teacher of successful experience, holding a first-grade elementary certificate, or a certificate of higher grade.

Third: It shall have a suitable school building, properly lighted, heated and ventilated; sanitary and commodious outhouses and other necessary accommodations, a library and such other apparatus as is necessary to do efficient work.

Fourth: Such school shall have a regular and orderly course of study as prescribed in the state course of study for common schools, including elementary agriculture, and shall comply with such rules as may be established by the state board of education.

Second Class: In order to be entitled to aid as a state rural school of the second class, such school shall have complied with the following conditions for the school year next preceding that for which aid is granted, viz.:

First: Such school shall have maintained at least eight (8) months' school.

Second: It shall be taught by a teacher of successful experience, holding a second-grade elementary certificate or a certificate of higher grade.

Third: It shall have a suitable school building, properly lighted, heated and ventilated, sanitary and commodious outhouses, and other necessary accommodations, library and such other apparatus as is necessary to do efficient work.

Fourth: Such school shall have a regular and orderly course of study as is prescribed in the state course of study for common schools, including elementary agriculture, and shall comply with such rules as may be established by the state board of education.

§ 5. APPLICATION TO BE MADE TO THE COUNTY SUPERINTENDENT OF SCHOOLS.] Applications from schools for the aid herein provided in the case of state graded consolidated and state rural schools, shall be made to the county superintendent of schools of the county in which such schools are located. The county superintendent shall forward to the state superintendent of public instruction such applications as are endorsed and recommended by him, together with a certificate of the superintendent of the county wherein the school making such application is situated, to the effect that such school has fully complied with the conditions mentioned in Section three (3) of this Act in the case of state graded or state consolidated schools, and with the conditions mentioned in Section four (4) of this Act, in the case of state rural schools, and in addition the rules established by the state board of education. The county superintendent shall also file with the inspector when requested to do so by that officer a certified list of such schools as have met the requirements for classification.

§ 6. INSPECTION OF SCHOOLS. STATE SCHOOL INSPECTOR. APPOINTMENT. QUALIFICATIONS. SALARY AND EXPENSES. DUTIES AND REPORTS. ASSISTANT INSPECTOR.] Application for aid to state graded schools, state rural schools or state consolidated schools which have the endorsement and recommendation of the county superintendent wherein such schools are located shall be filed in the office of the state superintendent of public instruction; and before any apportionment of any aid can be made under the provision of

this Act, such school shall be duly inspected and recommended for classification by an officer to be known as state inspector of rural and graded schools and consolidated schools. Such inspector shall be appointed by the state superintendent of public instruction for a period of two years; *provided*, that such appointment must be confirmed by the state board of education. This inspector shall have the same educational qualifications as required by law for the office of state superintendent of public instruction, and shall have been a county superintendent of schools. The inspector shall receive an annual salary of two thousand dollars; and in addition thereto his necessary and actual expenses incurred in the discharge of his official duties, not exceeding fifteen hundred dollars in any one year. The salary and traveling expenses shall be paid in the same manner as in the case of the state superintendent of public instruction. It shall be the special duty of the state inspector of consolidated, rural and graded schools to aid and promote consolidation of schools, and to further that end, he shall, when possible, attend teachers' meetings, institutes, training schools and school officers' and patrons' meetings, and discuss consolidation and kindred topics. He shall on or before the fifteenth day of September in each year, make and transmit to the governor and the state superintendent of public instruction, a report showing the conditions of the schools inspected, with such summaries and recommendations as he may think proper; and not more than fifteen hundred of such reports shall be printed each year. He shall also file in the office of the state superintendent at the close of each school month individual reports of the several schools inspected during that month.

§ 7. AMOUNT OF APPORTIONMENT.] Between the first and fifteenth of August in each year, the state board of education shall apportion to each of said state consolidated schools the sums named in Section 8 of this Act, and to each of said state graded schools which have fully complied with the provisions of this Act and such additional rules as may be established by the board, relating to state graded schools, the sum of two hundred dollars in each year to state graded schools of the first class, and to state graded schools of the second class the sum of one hundred fifty dollars; and they shall apportion to each of the state rural schools which have fully complied with the provisions of this Act and such additional rules as may be established by the board relating to state rural schools, the sum of one hundred fifty dollars in each year to each state rural school of the first class; and to each state rural school of the second class, the sum of one hundred dollars in each year: *provided*, however, that

in case the amount apportioned and available shall not be sufficient to pay the amounts specified above, then the amount available shall be apportioned pro rata among the schools entitled thereto, and any moneys apportioned under this Act shall be used solely to increase the efficiency of such schools. *Provided*, also, that but one school of each class in any township or district shall receive aid under the provisions of this Act until all of those schools applying for aid before August first of each year are considered and disposed of. These amounts shall be paid by the state treasurer on warrant of the state auditor when duly certified and filed with the state auditor by the superintendent of public instruction.

§ 8. AID TO CONSOLIDATED SCHOOLS.] Any consolidated school meeting the requirements for a state graded school of the first class shall receive aid in the amount of six hundred dollars, and any consolidated school meeting the requirements for a state graded school of the second class shall receive aid in the amount of five hundred dollars. A consolidated school within the meaning of this Act shall be one organized in accordance with Section 84, Chapter 266, Session Laws of 1911; and in addition shall have at least two departments.

§ 9. RECORDS, ACCOUNTS AND RULES.] The state superintendent of public instruction shall keep a record of all schools applying for and receiving aid as state graded schools, state consolidated schools or state rural schools, in each year, and a detailed account of all moneys apportioned for such purposes. The state board of education is also authorized to establish such additional rules as shall be found necessary to secure uniformity and the best results among the schools receiving state aid.

§ 10. ADVANCEMENT OF GRADED OR CONSOLIDATED SCHOOLS, OF THE FIRST CLASS TO HIGH SCHOOLS, AND ADVANCEMENT OF GRADED OR CONSOLIDATED SCHOOLS OF THE SECOND CLASS TO GRADED OR CONSOLIDATED SCHOOLS OF THE FIRST CLASS.] First Class: When any state graded school or state consolidated school of the first class in this state attains such a degree of proficiency as to satisfy the state inspector of rural and graded schools that it has the qualifications necessary to entitle it to be advanced to a state high school, such inspector may recommend the same to the state board of education for such advancement. If the state board is satisfied that such school has complied with all the requirements to entitle it to promotion, said board shall raise it to a state high school entitling it to aid as such.

Second Class: When any state graded school or state

consolidated school of the second class in this state has attained such a degree of proficiency as to satisfy the inspector that it has the qualifications necessary to entitle it to be advanced to a state graded or consolidated school of the first class, such inspector may recommend the same to the state board of education for such advancement. If the state board is satisfied that such school fully complies with all the requirements necessary to entitle it to promotion, such board shall raise it to a state graded or consolidated school of the first class, entitling it to aid as such.

§ 11. REPORT OF STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.] The state superintendent of public instruction shall include in his biennial report a comprehensive statement of all receipts and disbursements; the name and number of schools in each class receiving aid; the number of pupils enrolled in each, and the cost of supervision of all schools receiving aid under this Act for the years covered by such report, to which may be added an estimate of appropriation needed to meet the requirements of this Act for the succeeding two years, and such other recommendations as he may deem useful and proper.

§12. AMOUNT APPROPRIATED FOR EACH CLASS.] For the purpose of carrying out the provisions of this Act, the following sums are hereby appropriated annually, to be paid out of any moneys in the state treasury not otherwise appropriated, viz., for aid to state graded schools the sum of ten thousand dollars (\$10,000.00) annually. For aid to state rural schools the sum of fifteen thousand dollars (\$15,000.00) annually, and for aid to state consolidated schools the sum of ten thousand dollars (\$10,000.00) annually. For the inspector's and assistant's salary, as hereinbefore provided, the sum of two thousand dollars (\$2,000.00) annually. For the actual and necessary traveling expenses of said inspector, the sum of fifteen hundred dollars (\$1,500.00) annually. For the payment of postage, stationery and clerical assistance required by the inspector and the printing of the inspector's annual report, the sum of four hundred (\$400.00) dollars annually. *Provided*, however, that in case the amount appropriated and available under this Article for the payment of aid to such schools shall in any year be insufficient to apportion to each of such schools as are entitled thereto the full amount intended to be apportioned to the state graded schools, state rural schools and state consolidated schools, then, in such case, such amounts as are appropriated and available shall be apportioned pro rata among the schools entitled thereto. *Provided*, the first annual appropriations herein provided for such shall become available July first, 1913.

§ 13. REPEAL.] All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 21, 1913.

CHAPTER 7.

[H. B. No. 287—Hendrickson.]

REIMBURSE BURKE COUNTY.

AN ACT to appropriate \$578.35 Out of the General Fund in the State Treasury Not Otherwise Appropriated, to the County of Burke, State of North Dakota, for the Purpose of Reimbursing Said County for Moneys Paid Out of the County Treasury of Said County, as Costs Incurred in Certain Condemnation Proceedings Instituted by the State Veterinarian in Said County of Burke, for the Destruction of Glandered Horses Temporarily in Said County, But Enroute into the Dominion of Canada, and Not the Property of Residents of Said County at the Time of the Institution of Such Proceedings.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$578.35 out of the moneys in the state treasury not otherwise appropriated, to the county of Burke, state of North Dakota, for the purpose of reimbursing Burke county for moneys paid out of the treasury of said Burke county as costs incurred by certain proceedings instituted by the state veterinarian in said county for the destruction of glandered horses temporarily in said county, but in face enroute to their destination within the Dominion of Canada, and not the property of residents of said county at the time of the institution of such proceedings, or at the time of the payment of the costs incurred; *provided*, however, that no part of the said sum shall be used in payment of any claims arising from horses destroyed belonging at the time of said destruction to any resident of said Burke county.

Approved March 20, 1913.

CHAPTER 8.

[S. B. No. 139—Leutz.]

LIVE STOCK BRANDS.

AN ACT Providing for the Cancellation of all North Dakota Live Stock Brands or Marks; Providing for Re-recording of Same; Notices to Record Owners; Publication of Notices; Manner of Re-recording and Future Recording; Fees; Expenses; Appropriation; Repeal.

WHEREAS, The North Dakota live stock brand records are old, damaged, wholly inadequate; and,

WHEREAS, There is now on record such a multiplicity of brand designs that it has become almost impossible to design further new lawful brands that do not conflict with previously recorded brands, hundreds of which are apparently extinct, out of use, and evidently entirely abandoned by the record owners; and,

WHEREAS, There is now no provision of law whereby abandoned brands or marks can be canceled, and the encumbrance thereof removed from the overburdened records; and,

WHEREAS, Greater service can be rendered stock growers by bringing back into use a larger selection of available lawful brands or marks, THEREFORE,

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

§ 1. CANCELLATION NOVEMBER 1, 1913; RE-RECORDING OWNER'S PREFERENCE RIGHT TO RE-RECORD.] On the first day of November, nineteen hundred thirteen, each and every live stock brand or mark shall be canceled, and no person, co-partnership, company, firm or corporation shall use nor have any right, title or interest in or to any live stock brand or mark previously recorded in this state. *Provided*, however, that if a person, co-partnership, company, firm or corporation may desire to continue ownership thereof, the brand or mark must be re-recorded on or before December first, nineteen hundred thirteen. Failure to re-record any previously recorded live stock brand or mark on or before the time specified, and under provisions hereof, shall be deemed an absolute abandonment to the state of North Dakota of such previously recorded live stock brand or mark. On and after January first, nineteen hundred fourteen, the commissioner of agriculture and labor shall accept regular applications for the issuance to any one of such abandoned live stock brand or mark; and the said commissioner of agriculture and labor is hereby authorized, empowered and directed to issue his certificate for the use of such abandoned brand or mark within this state.

§ 2. COMMISSIONER TO NOTIFY PRESENT RECORD OWNERS. HOW. WHEN COMPLETE.] It shall be the duty of the commissioner of agriculture and labor to notify, on or before August first, nineteen hundred thirteen, each and every record owner of live stock brands or marks of the final date set for cancellation, and also of his, her, or their prior right to re-record such previously recorded live stock brand or mark. Such notice shall be given in writing, legibly written, sent by ordinary first-class mail, and addressed to the record owner at the address shown last upon the present records.

§ 3. PUBLICATION OF NOTICE OF EXPIRATION OF TIME FOR PREFERENCE RIGHT OF RE-RECORD.] It shall be the duty of the commissioner of agriculture and labor to publish in each

official county newspaper in every county where brands or marks are in use, a notice of the expiration of the time fixed by law for the re-recording of live stock brands or marks, and of the prior right of record owners to re-record his, her or their previously recorded brands or marks. Such publication shall begin on or about the first of September, nineteen hundred thirteen, and shall continue at least three successive times in each of such newspapers. The commissioner shall also request each newspaper publishing notices to call attention to this law in a news item in the regular columns, for which no charge shall be allowed.

§ 4. MANNER OF RECORDING AND RE-RECORDING; FEES.] Re-recording of abandoned live stock brands or marks, and the recording of new brands and marks shall conform in all respects to existing provisions of law, and not otherwise. The previously issued certificate must be surrendered to the commissioner of agriculture and labor, accompanied by an application to re-record, and also accompanied by either money order or bankable draft for twenty-five cents. In case the previously issued certificate may have been lost or destroyed the original brand records only shall be prima facie evidence of ownership, except where a fact can otherwise be established.

§ 5. FEES AND RUNNING EXPENSES.] All fees collected under provisions of this act shall monthly be turned over to the state treasurer. All expenses for publication of notices, new books, records and files necessary for the establishment and maintenance of a complete system of brand recording and brand re-recording shall first be approved by the commissioner of agriculture and labor, and paid by the state treasurer out of the general funds.

§ 6. APPROPRIATION.] There is hereby appropriated out of any moneys in the hands of the state treasurer, not otherwise appropriated, the sum of six hundred dollars, or as much thereof as may be needed for additional clerk hire, to carry into effect the provisions of this Act.

7. REPEAL.] All Acts or parts of Acts in conflict herewith are repealed.

Approved March 13, 1913.

CHAPTER 9.

[H. B. No. 274—Williams.]

CAPITOL GROUNDS.

AN ACT Authorizing the Board of Trustees of Public Property to Acquire for the State, by Purchase or Condemnation Proceedings in the Name of the State, Additional Land for Capitol Park and Site Purposes, and Asking an Appropriation Therefor.

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

§ 1. That the board of trustees of public property are hereby authorized to secure by purchase or by condemnation proceedings for the state, any lots or land which in their judgment might be necessary for the capitol park and site purposes.

§ 2. That there is hereby appropriated out of the capitol building fund the sum of five thousand (\$5,000) dollars, or so much thereof as may be necessary to carry out the provisions of this Act.

Approved March 20, 1913.

CHAPTER 10.

[S. B. No. 193—Senator Vail and Representative Gunderson.]

AUDIT STATE DEPARTMENTS.

AN ACT Authorizing the Governor of the State of North Dakota to Employ Chartered Public Accountants to Examine, Audit and Check the Accounts of the Several Departments of the State Government, to List, Examine and Appraise the Securities of All Kinds in Possession of Any of the State Officers, to Make a Complete Appraisal on a Date Certain of All Buildings and Property of All Kinds Belonging to the State, to Make a Careful Research into the Business Methods, System of Accounting and Bookkeeping, and Making Reports of the Various State, County and City Officers, and to Install Improvements in Bookkeeping and Methods of Handling the Business of the State, Extending the Duties of the State Examiner Prescribed in Section 141 of Article 9 of the Political Code of 1905, by Amendment and Re-enactment of Said Section 141, to Cover an Examination of the Books and Accounts of City Auditors and City Treasurers, County Clerks, County Judges, Register of Deeds, County Superintendent of Schools, County Auditors, and Sheriffs of the Counties of the State of North Dakota, and Prescribing Fees Therefor; Requiring the Governor to Make Report to the Legislature Next Succeeding Any Such Examination of the Results of Such Examination, Auditing and Checking of the Several State Departments of the State Property by the Chartered Public Accountants by Him Employed, and Appropriating Money to Carry Out the Provisions of This Act.

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

§ 1. The governor is hereby authorized to employ chartered public accountants to make a complete examina-

tion, audit and check of each and all of the departments of the state government, such examinations to be independent and not in conjunction with any other examination required by law or otherwise.

The report of such chartered public accountants shall be made to the governor, and detail in full of the findings of such chartered public accountants of the condition of each department of the state government; shall contain a list of the state securities and their appraised value, in the possession of each department head.

The report of such chartered public accountants as shall be employed by the governor shall include also an inventory on a date certain of all public property of the state of North Dakota, including the state house at Bismarck, all penal, charitable and educational institutions of the state, and all personal property belonging to the state, with a detailed appraisal of the value of such public property.

The governor is further authorized to have such chartered public accountants as may be employed by him under the provisions of this Act, to cause a careful research to be made of the business methods, system of accounts, bookkeeping and making of reports of the various state officers, and all penal, charitable and educational institutions of the state, also all city auditors, city treasurers and county officials, who, under the provisions of law now or hereafter are subject to examination by the state examiner, to confer and advise with the state examiner's office as to the best methods of bookkeeping of the state banks and financial institutions under the supervision of the state examiner's department, and the best methods of making examinations and obtaining reports from said state officials, state banks and financial institutions to the end that economy be exercised in the administration of the state's affairs, and that full, complete and uniform reports and statistics be obtained, and the interests of the public protected.

To facilitate the research work herein provided for and on which to base a uniform system of accounting, and examination of the county offices of not less than two counties or more than four counties of the state, and offices of auditors and treasurers of not more than two cities, shall be made by the chartered public accountants employed under this Act in conjunction with the proper officials from the state examiner's department. When such research work and examinations shall have been made, the chartered public accountants employed by the governor under this Act shall make a report in detail to the governor of its work and formulate a system of uniform bookkeeping and account-

ing, with blank forms for books and reports to be filed as part of said report.

After due consideration of said report, the governor is hereby authorized and empowered to have a system of accounting, bookkeeping and reports installed in all of the offices designated in this Act, and where there is more than one official whose office is under supervision of the state, the system in all respects shall be uniform. The use of said uniform system of accounting, bookkeeping and reports to begin at a certain future date to be fixed by the order of the governor. All officers whose duty it is to purchase blanks, account books and record books under the present system of accounts and laws governing the same are hereby empowered and directed to procure blanks, books and records which shall become necessary to the uniform system which shall have been adopted.

§ 2. Any public officer or employee who neglects or refuses to make use of the uniform system of keeping accounts in the form prescribed shall be removed from office by the governor on proper hearing and a successor chosen as provided by law.

§ 3. AMENDMENT.] Amending Section 141 of Article 9, Political Code of 1905, to be amended and re-enacted to read as follows:

DUTIES.] The duties of the state examiner are to examine at least once a year the books and accounts of the secretary of state, state auditor, state treasurer, clerk of the supreme court, commissioner of insurance, commissioner of agriculture and labor, department of university and school lands, supply department of the national guard, city auditors, city treasurers, county treasurers, county clerks, county judges, register of deeds, county superintendents of schools, sheriffs and county auditors, fees for such examinations to be charged by the state examiner only for an examination of books and accounts of city auditor, city treasurer, county treasurer, county clerk, county judges, register of deeds, county superintendent of schools, sheriffs and county auditors, at the rate of ten dollars per day for the time actually employed by himself or his deputies in such examinations, such fees to be paid into the state treasury as provided by law for other fees collected by his office.

§ 4. The governor shall have an examination, audit and check of all departments of the state government made before July 1, 1914, as provided for in Section 1 of this Act, and once every two years thereafter. In case in the judgment of the governor it is necessary to protect the interests of the state, then an audit should be made of any department of the state government before the biennial examina-

tion, audit and check as provided for in Section 1 of this Act, authority is hereby given him to order the same to be done forth with.

§ 5. The sum of fifteen thousand dollars (\$15,000.00), or so much thereof as is necessary, is hereby appropriated out of any funds in the state treasury not otherwise appropriated, for carrying out the provisions of this Act.

§ 6. All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 7. EMERGENCY.] Whereas, an emergency exists in that a complete examination, audit and check of the several departments of the state government has not been had in many years, nor a complete appraisal of the property of the state at any given date at any time, and a uniform system of public accounting, bookkeeping and reports is essential to a proper administration of the state business affairs, this Act shall become operative immediately after its passage and approval.

Approved March 20, 1913.

CHAPTER 11.

[H. B. No. 226—Divet.]

DISBARMENT.

AN ACT Authorizing the Supreme Court of North Dakota to Direct the Bar Association of North Dakota to Institute Legal Proceedings for the Disbarment, or Other Discipline, of Practicing Attorneys of the State of North Dakota, Providing for the Payment of Counsel in the Conduct of Such Disbarment Proceedings, and Authorizing the Supreme Court to Fix the Amount and Direct the Payment Thereof, and to Appropriate Money for the Payment Thereof.

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

§ 1. Whenever it is brought to the attention of the supreme court of the State of North Dakota that any member of the bar of said state is charged with conduct warranting his disbarment or suspension from the right to practice, and it appears to said court that such charges, however made, should be investigated, the said court may, in its discretion, refer the matter to the Bar Association of North Dakota, with directions to such association to investigate such charges, through its committee on grievances or disbarment; and, when any such matter is so referred to the said association; the president of the association and

the members of said regularly appointed committees, shall have power and authority to administer oaths to witness and take testimony in regard to such charges and to issue subpoenas commanding witnesses to appear before them at any place within the county where such witnesses may reside.

§ 2. When such association shall have completed its investigation, it shall be its duty to make report to the said supreme court, including therein, in general terms, the conclusions of the committee making such investigations as to the truth or falsity of the charges investigated and its recommendation as to whether further proceedings should be had.

§ 3. Upon receiving the report mentioned in Section 2, the said supreme court may, in its discretion, order and direct the said bar association, through its appropriate committees and officers, to take further proceedings in regard to such charges, looking to the disbarment, suspension from practice, or other discipline of the accused attorney; and, if such order is made, it shall thereupon be the duty of said association, its officers and committees, to take such further proceedings in accordance with such order; and said association shall thereupon designate and select the attorney or attorneys to further prosecute such matters, and it shall have the authority to incur the ordinary expenses incidental to the conduct of such proceeding, and make the same a charge against the state of North Dakota.

§ 4. Whenever any matter has, under the provisions of this act, been submitted by the supreme court to the Bar Association of North Dakota, and been investigated or prosecuted under its direction as aforesaid, the supreme court shall, upon being satisfied of the correctness or reasonableness thereof, order and direct that the State Auditor issue to the said Bar Association of North Dakota a warrant for the payment of the expenses incurred by it in such investigation or prosecution; and the said supreme court may, in its discretion, allow to the attorney or attorneys a reasonable amount as compensation for the services rendered in investigating or prosecuting such charges; or, if such investigations or prosecutions have been conducted by the officers or committees of the said association, then it may, to the same extent, make such allowance of compensation to such officers or the members of such committee; and such court shall, by order, direct the State Auditor to issue his warrant to such persons for the amount the court shall allow them.

§ 5. This act shall not be construed as in any way pro-

viding an exclusive method for proceeding against attorneys to disbar or suspend them from practice nor as abridging the right of any individual or officer to bring and prosecute any proceedings for the disbarment or suspension of any attorney in all things the same as though this act had not been passed, except that no other proceedings can be maintained in court for the prosecution of an attorney for the same offense, while the charges in relation thereto are under investigation by the Bar Association of North Dakota, without an application for leave to start such prosecution duly made to the said supreme court upon notice duly given to the president and secretary of the said bar association.

§ 6. APPROPRIATION.] There is hereby appropriated out of the general fund of the state not otherwise appropriated, not exceeding \$1,000.00 per annum, or so much thereof as shall be necessary to carry out the provisions of this act.

§ 7. Whereas, an emergency exists, in that there are charges at this time made against certain members of the bar of the state of North Dakota requiring investigation and there is no convenient or adequate provision of law for the making of such investigation and paying the expense thereof, and the public interests demand their investigation, this law shall be in force and effect from and after its passage and approval.

Approved March 13, 1913.

CHAPTER 12.

[S. B. No. 147—Nelson.]

TUBERCULOSIS SANITARIUM.

AN ACT for Making Permanent Improvements at the State Tuberculosis Sanitarium at Dunseith, to Assist in the Maintenance Thereof, and for Other Purposes, and Making Appropriations Therefor.

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

§ 1. APPROPRIATION.] The sum of thirty-five thousand seven hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the making of permanent improvements at the State Tuberculosis Sanitarium located at Dunseith, for its proper maintenance and for furnishing and equipping same as follows:

For the erection and equipment of cottages for patients	\$ 6,000.00
For the erection of homes for help.....	2,500.00
For out buildings, machinery, stock etc.....	1,000.00
For electric light plant.....	1,200.00
For laundry and equipment.....	1,000.00
For general equipment.....	2,500.00
For maintenance.....	21,500.00
Total	\$35,700.00

Approved March 20, 1913.

CHAPTER 13.

[S. B. No. 16—Nelson.]

TUBERCULOSIS SANITARIUM.

AN ACT Appropriating Money for the Current and Contingent Expenses of the State Tuberculosis Sanitarium at Dunseith.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of funds in the state treasury, not otherwise appropriated, for the purpose of paying the current and contingent expenses for the State Tuberculosis Sanitarium at Dunseith for the period ending July 1st, 1913, the sum of Six Thousand Five Hundred Dollars, or as much thereof as may be necessary.

Approved March 20, 1913.

CHAPTER 14.

[S. B. No. 140—Leutz.]

EXPERIMENT STATION, HEBRON.

AN ACT Making an Appropriation for a Suitable Building at the Mining Experiment Sub-Station at Hebron, Morton County.

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

§ 1. APPROPRIATION.] For the purpose of erecting a suitable building for carrying on the tests and scientific work, etc., connected with the experimentation and development of the lignite coal, the clay and other mineral and allied industrial resources of the state at the Mining Sub-station,

Hebron, Morton County, there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars.

§ 2. EMERGENCY.] An emergency exists in that provision for these facilities should be made as quickly as possible, therefore this Act shall be in force from and after its passage and approval.

Approved March 20, 1913.

CHAPTER 15.

[S. B. No. 113—Leutz.]

EXPERIMENT STATION, HEBRON.

AN ACT Making an Appropriation for the Experimental Station of the School of Mines and the Mining Sub-station at Hebron, Morton County.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith senate bill No. 113, an Act making an appropriation for the experimental station of the school of mines and the mining sub-station at Hebron, Morton county, with my approval, except as to item of \$12,500.00 for the year 1914.

This item 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.

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

§ 1. APPROPRIATION.] In order to properly provide for the work being done in the experimentation and testing of the lignite coal, the clays and other mineral and allied industrial resources at the mining experimental station at the school of mines and the mining sub-station at Hebron, Morton county, and in accordance with the laws establishing the same (Chap. 236, Laws of 1907, entitled "An Act to foster the development of mineral and allied industries by providing experimentation, encouragement, publicity and practical tests under the direction of the school of mines"; and Chap. 168, Laws of 1909, entitled "An Act creating and establishing a mining experiment sub-station under the direction of the state school of mines at the university of

North Dakota and providing for its management"), and to provide the necessary equipment and permanent improvements for carrying forward the work, there is hereby annually appropriated, for the years 1913 and 1914, out of any money in the state treasury not otherwise appropriated, the sum of twelve thousand five hundred dollars.

At least three-fourths of this amount shall be expended upon the sub-station at Hebron, Morton county.

§ 2. EMERGENCY.] Whereas, an emergency exists in that funds for continuing the work of these stations are exhausted, and any break in the work at this stage would prove very detrimental, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 21, 1913.

CHAPTER 16.

[H. B. No. 194—Hjort and Stinger.]

EXPERIMENT STATION, HETTINGER.

AN ACT Making an Appropriation Annually for the Support and Maintenance of Agricultural Sub-Experiment Station Located at Hettinger, Adams County.

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

§ 1. APPROPRIATION.] There is hereby annually appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars, for the use of the government experiment station at Fargo, and it shall be the duty of the Board of Trustees of the North Dakota Agricultural College to set apart annually this sum for the support and maintenance of the Hettinger Sub-Experiment Station.

Approved March 20, 1913.

CHAPTER 17.

[S. B. No. 72—Hanley.]

EXPERIMENT STATION, MANDAN.

AN ACT to Appropriate Money to Reimburse the Citizens of Mandan, North Dakota, for Moneys Advanced by Them for the Purchase of Certain Lands in Morton County, North Dakota, to be Deeded to the Board of Trustees of the North Dakota Agricultural College and to be Used in Connection with the Experiment Station Established by Act of Congress and Located Near Mandan, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriat-

ed out of the moneys in the state treasury not otherwise appropriated the sum of seven thousand four hundred thirteen dollars and fifty cents (\$7,413.50), to reimburse the citizens of Mandan, North Dakota, for moneys advanced by them to purchase the east half of section four (4), in township one hundred thirty-eight (138), north, of range eighty-one (81), west of the fiftieth principal meridian, in Morton county, North Dakota, which land is to be deeded to the board of trustees of the North Dakota Agricultural College and to be used in connection with the experimental station established by an Act of Congress, and located near Mandan, North Dakota.

§ 2. APPROPRIATION. HOW PAID.] The appropriation herein made shall be paid to C. L. Timmerman, as trustee of the citizens of Mandan and by him distributed to the respective parties entitled thereto; and the state auditor is hereby authorized and empowered to draw a warrant on the state treasury for said sum.

§ 3. EMERGENCY.] An emergency exists and this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1913.

CHAPTER 18.

[H. B. No. 211—Divet and Weis.]

STATE PARK.

AN ACT to appropriate Money for the Maintenance, Care and Repair of the State Park at Fort Abercrombie, in Richland County, North Dakota.

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

There is hereby appropriated, out of any moneys of the general fund of the state of North Dakota not otherwise appropriated, the sum of \$1,000.00 for the maintenance, care, repair and improvement of the state park at Fort Abercrombie, in Richland county, North Dakota, said sum to be for the following purposes:

For repair of buildings, windmill, fences and waterworks	\$ 250.00
For repair, care and improvement of the grounds of said park.....	500.00
For the sheltering and care of historical relics belonging to said park.....	250.00

This appropriation is for the biennial period, including the years 1913 and 1914, but it is expressly provided that

any part or all of said sum may be used for the purposes specified during the first year of said period if all thereof shall be necessary to prevent the destruction, injury or waste of the said park property.

Approved March 20, 1913.

CHAPTER 19.

[S. B. No. 146—Nelson.]

FISH HATCHERY.

AN ACT Relating to the Fish Hatchery at Fish Lake in Rolette County, and Making Appropriation Therefor.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the funds in the state treasury not otherwise appropriated, the sum of six hundred dollars for permanent improvements, repairs, equipment, wages and salaries of employees, and other expenses, as follows:

Permanent improvements, repairs and equipment.....	\$500.00
Improving grounds	100.00

Total	\$600.00
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§ 2. REPEAL.] All Acts or parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

Approved March 13, 1913.

CHAPTER 20.

[S. B. No. 375—Mudgett.]

JOINT RESOLUTION.

WHEREAS, There will be held on the battlefield of Gettysburg, in the month of July, 1913, a reunion of the Federal and Confederate soldiers who took part in the Civil War; and,

WHEREAS, The people of the state of North Dakota thoroughly appreciate the sacrifices made by the men who fought the battles of the Civil War, men who were instruments for the settlement on the battlefield of a great issue that could not be settled by the statesmen of the nation; *Therefore,*

Be it Resolved by the Senate and House of Representatives of the State of North Dakota:

That the board of trustees of the Soldiers' Home is hereby authorized to expend the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary, out of the interest and income fund of the Soldiers' Home, for

the purpose of aiding the Union and Confederate soldiers of the Civil war now residents of the state of North Dakota, to attend the reunion of the Union and Confederate soldiers to be held at Gettysburg, Pa., in the month of July, 1913.

§ 1. The board of trustees of the Soldiers' Home and the governor acting with them shall make arrangements for the visit of the said Civil war veterans to Gettysburg. It shall be their duty to ascertain the best manner in which such veterans may safely and comfortably visit the reunion at the least expense, and to arrange for the trip either by special train or otherwise, and they shall receive no compensation other than actual expenses in carrying out the provisions of this resolution.

§ 2. In case the sum of fifteen thousand dollars (\$15,000.00) hereby authorized to be expended does not cover the expenses for transporting and caring for such veterans as may desire to go and are physically able to do so, then the board shall expend such sum pro rata in transferring and caring for those veterans who desire to make the trip and who may be willing to pay their own expenses above the pro rata sum hereby authorized to be expended.

Should any part of the fifteen thousand dollars (\$15,000.00) so authorized to be expended remain unexpended, the same shall be by said board returned and covered into the interest and income fund of said Soldiers' Home.

§ 3. This resolution shall be in full force and effect from its adoption by the senate and the house of representatives.

Approved March 17, 1913.

CHAPTER 21.

[S. B. No. 25—Gronvold.]

GLANDERS.

AN ACT to appropriate the Sum of Thirty Thousand Dollars, or as Much Thereof as May be Necessary, to Indemnify Persons Who Have Lost Animals from the Disease Known as Glanders.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of thirty thousand dollars, or as much thereof as may be necessary, out of the moneys in the state treasury not otherwise appropriated, for the purpose of paying approved claims now on file, or that may hereafter be filed, in the state auditor's office, asking for indemnity for horses, geldings, mares, asses and mules killed or destroyed on account of being affected with the disease known as glanders, according to Chapter 170 of the Laws of 1907, indemnifying the owners of animals killed or destroyed

according to law for being affected with the disease known as glanders.

§ 2. EMERGENCY.] An emergency exists in this that animals have been killed, claims approved, and there is no designated fund out of which the warrants to be issued for such claims can be paid; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1913.

CHAPTER 22.

[H. B. No. 297—Fox.]

REIMBURSE JOHN HAROLD.

An Act to Reimburse John Harold for Work Done Under the Direction of the Capitol Commission in Grading Ninth Street to the State Capitol.

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

§ 1. There is hereby appropriated the sum of fifty (\$50.00) dollars to reimburse John Harold for ten days' services for general supervision of the work done under the direction of the capitol commission of the State of North Dakota, in laying out the center line of Ninth Street and in connection with the grading of said Ninth Street to the Capitol.

§ 2. An emergency is hereby declared to exist in this, that the said John Harold has not received any compensation whatsoever for the aforesaid services, and this Act shall take effect immediately after its passage and approval.

Approved March 20, 1913.

CHAPTER 23.

[H. B. No. 250—Williams.]

PENITENTIARY.

An Act Making an Appropriation to Pay F. O. Hellstrom for the Use of Land for the State Penitentiary for the Years 1908, 1909, 1910, 1911, 1912, 1913.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of five hundred dollars, to F. O. Hellstrom, for use by the state penitentiary for pasturage during the years 1908, 1909, 1910, 1911, 1912 and 1913, of the following described land situated in the county of Burleigh, state of North Dakota, to-wit: East half of section 35, township 139, range 80 west.

Approved March 20, 1913.

CHAPTER 24.

[S. B. No. 121—Steel.]

HOSPITAL FOR INSANE.

An Act to Provide an Appropriation for the Current and Contingent Expenses, for the Erection of Necessary Additional Buildings, for Other Necessary Improvements and Repairs at the State Hospital for the Insane of North Dakota at Jamestown, and for Purchasing Additional Land for the Use of Such State Hospital.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith senate bill No. 121, An Act to provide an appropriation for the current and contingent expenses, for the erection of necessary additional buildings, for other necessary improvements and repairs at the state hospital for the insane of North Dakota at Jamestown, and for purchasing additional land for the use of such state hospital, with my approval, except as to the item appropriating \$30,000.00 for the erection of outside ward and farmhouse.

This item 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.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for current and contingent expenses, for the erection of necessary additional buildings, for other necessary improvements and repairs at the state hospital for insane of North Dakota at Jamestown, and for purchasing additional land for use of the said hospital, the sum of three hundred thirteen thousand five hundred dollars (\$313,500.00), as follows:

Power house and equipment.....	\$ 65,000.00
Tuberculosis hospital	100,000.00
Receiving ward	100,000.00
Erection of outside ward and farm house.....	30,000.00
Additional water supply	10,000.00

Relocation and improvement of two horse barns	1,500.00
Laundry equipment	1,000.00
Incidentals	2,500.00
Repairs	2,500.00
Improvements on grounds	1,000.00
Total	\$313,500.00
Approved March 21, 1913.	

CHAPTER 25.

[S. B. No. 106—Barnes.]

INDUSTRIAL SCHOOL.

An Act to appropriate moneys for maintenance, equipment and permanent improvements at the Ellendale State Normal and Industrial School.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith senate bill No. 106, an Act to appropriate moneys for maintenance, equipment and permanent improvements at the Ellendale state normal and industrial school, with my approval, except as to item of \$6,000.00 for remodeling of home economics building and equipment thereof; and except as to item of \$5,000.00 for mechanics' arts.

These items are 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.

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

§ 1. There is hereby appropriated the following sums of money for the biennial period of 1913-1915, out of the moneys in the state treasury not otherwise appropriated, for the purposes enumerated as follows:

1. For remodeling of home economics building and equipment thereof \$ 6,000.00
- For maintenance and equipment, as follows:
 1. For teachers' salaries for the biennial period. 15,000.00
 2. For mechanics' arts 5,000.00
 3. For farm engineering 1,500.00

4. For equipment for science and agricultural departments	3,000.00
5. For library equipment	1,000.00
6. For interest on Carnegie warrants.....	2,800.00
Total	\$34,300.00
Approved March 21, 1913.	

CHAPTER 26.

[S. B. No. 30—Cashel.]

INSTITUTION FOR FEEBLE MINDED.

An Act to Provide an Appropriation for the Current and Contingent Expenses, and for Permanent Improvements for the Institution for the Feeble Minded at Grafton, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any fund in the state treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of, and for permanent improvements to, the institution for feeble minded, at Grafton, for the period beginning March 1st, 1913, and ending March 1st, 1915, the sum of thirty-one thousand five hundred dollars (\$31,500.00), or as much thereof as may be necessary, as follows:

For employees' wages, including officers' salaries.	\$ 6,000.00
For fuel and light.....	15,000.00
For training school supplies and amusement...	1,200.00
For office expense and stationery.....	1,000.00
For drugs, medicines, etc.	500.00
For repairs and plumbing.....	1,500.00
For beds and bedding.....	2,000.00
For paint and painting.....	500.00
For farm implements and machinery and cows..	500.00
For induced draft apparatus and condenser....	1,500.00
For addition to root cellar.....	500.00
For brush and wood shop machinery.....	1,100.00
For additional kitchen equipment.....	200.00

§ 2. EMERGENCY.] An emergency exists in this, that the biennial period for which this appropriation is made will begin July 1, 1913, and part of the funds hereby appropriated will be needed before that time; therefore, \$5,000.00 of this appropriation will be available from and after the passage and approval of this Act.

Approved March 20, 1913.

CHAPTER 27.

[S. B. No. 283—Davis.]

CONTINGENT FUND.

AN ACT to Provide an Annual Contingency Fund to be Placed at the Disposal of the Commissioner of Insurance.

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

§ 1. APPROPRIATION. CONTINGENCY FUND.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, at the date on which this Act becomes operative and annually on the first Tuesday in January thereafter, the sum of five hundred dollars for the establishment and maintenance of a contingency fund to be drawn upon by the state auditor at the direction of the commissioner of insurance for the transaction of such business or the payment of such obligations as are not otherwise provided for, and as, in the opinion of the commissioner of insurance, are wise or necessary; *provided*, that if on the first Tuesday in January of any year there shall remain a balance of cash on hand in such fund, then only such sum shall be appropriated in that year as shall be necessary to complete the total of five hundred dollars.

§ 2. MONEYS, HOW ACCOUNTED FOR.] The commissioner of insurance shall, in all cases when directing the issuance of any warrant upon the contingency fund hereinbefore provided, file with the state auditor a written and itemized statement of the material, services, or other consideration in payment of which such warrant is ordered drawn, together with the names or person or persons in whose favor the warrant is so ordered, and shall certify that the material, services or other consideration therein named are necessary and proper matters for settlement from this fund, and that the amounts charged therefor are proper and right; and the auditor shall file such statement and certificate as his authority for issuing the warrant therein directed.

§ 3. EMERGENCY.] Whereas, an emergency exists in that no such fund is now available and that it may be needed at any time, the provisions of this Act shall be in effect from and after the date of its passage and approval.

Approved March 20, 1913.

CHAPTER 28.

[S. B. No. 330—Vail.]

LEGISLATIVE EXPENSES.

AN ACT to Amend Section 35 of the Revised Codes of 1905 for North Dakota.

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

§ 1. AMENDMENT.] Section 35 of the Revised Codes of North Dakota for 1905 is hereby amended to read as follows:

§ 35. LEGISLATIVE EXPENSE. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury as a standing and continuing appropriation, such sum or sums as may be necessary to pay the mileage and per diem of the members of the legislative assembly, the per diem of officers and employees of the legislative assembly, the expense of investigating committees when authorized by the legislative assembly, necessary postage, express, telegrams, telephone and such other miscellaneous expense as may be authorized by the legislative assembly, except printing.

§ 2. EMERGENCY.] This Act shall be effective from January 1st, 1913, for the reason that at this time there appears to be no appropriation to cover the expense of the legislative assembly outside of printing and mileage, and per diem of members and per diem of officers and employees. The lack of an appropriation leaves the state auditor without authority to open an account for legislative expense, and as it is important and necessary that expenses of this kind should be kept in a separate account for convenience for reference, this Act shall be effective from January 1st, 1913, so that it may cover the 13th legislative assembly now in session.

Approved March 20, 1913.

CHAPTER 29.

[S. B. No. 171—Overson.]

LEGISLATIVE EXPENSES, TWELFTH ASSEMBLY.

AN ACT to Provide an Appropriation for the Purpose of Expenses Incurred as a Part of and During the Twelfth Legislative Assembly of the State of North Dakota.

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

1. For the purpose of paying for clerk hire during the twelfth legislative assembly of the state of North Dakota,

as provided for by the resolutions of the senate and house of representatives of the twelfth legislative assembly, as recorded on pages 1486 and 1633 of the journal of the senate of 1911, and on page 1854 of the permanent journal of the house of representatives, the sum of \$245.00 is hereby appropriated from any funds in the state treasury not otherwise appropriated.

EMERGENCY.] Whereas, the state of North Dakota is indebted for the sum above appropriated for outstanding expenses, and there are no funds in the treasury for the purpose of deferring the sum, therefore an emergency exists, and this Act shall be in force on and after its passage.

Approved March 20, 1913.

CHAPTER 30.

[H. B. No. 234—Bartley.]

LIVE STOCK SANITARY BOARD.

AN ACT to Amend Section 19 of Chapter 169 of the Laws of 1907, Entitled "An Act to Establish the Live Stock Sanitary Board of North Dakota and to Provide for the Suppression and Control of Dangerous, Contagious and Infectious Diseases of Domestic Animals," and the Amendment Thereto, Chapter 37, Session Laws of 1909.

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

§ 1. **AMENDMENT.]** Section 19 of Chapter 169 of the Laws of 1907, and the amendment thereto, Chapter 37, Session Laws of 1909, are hereby amended so as to read as follows:

§ 19. **APPROPRIATION.]** There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars per anum, or so much thereof as may be necessary for the purpose of paying the expenses incurred by the State Live Stock Sanitary Board in carrying out the purposes of this Act.

§ 2. **REPEAL.]** All Acts and parts of Acts inconsistent with any of the provisions of this Act are hereby repealed.

§ 3. **EMERGENCY.]** Whereas, the duties of the Live Stock Sanitary Board have greatly increased, and whereas, the sufficient discharge of said duties is hampered by lack of funds, therefore, an emergency exists, and this Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 20, 1913.

CHAPTER 31.

[H. B. No. 233—Bartley.]

LIVE STOCK BOARD.

AN ACT Making an Appropriation to Meet the Deficiency Incurred by the State Live Stock Sanitary Board, in Carrying Out the Purposes of Chapter 169 of the Session Laws of 1907.

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

§ 1. **APPROPRIATION.]** There is hereby appropriated out of the funds in the hands of the State Treasurer not otherwise appropriated, the sum of three thousand and seven hundred dollars, or as much thereof as may be necessary, to pay the vouchers now unpaid and in the hands of the State Auditor, arising from Section 18, Chapter 169, Session Laws of 1907.

§ 2. **EMERGENCY.]** Whereas, an emergency exists in the fact that there is no fund available for paying these vouchers which are now on hand and properly filed in the State Auditor's office, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1913.

CHAPTER 32.

[H. B. No. 179—Morrison.]

MILITARY WOOD RESERVATION.

AN ACT Appropriating Money for the Maintenance and Protection of the Military Wood Reservation in Ramsey County, North Dakota.

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

§ 1. **APPROPRIATION.]** There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand (\$1,000.00) dollars for the protection of the timber and the maintenance of the Rock Island Military Wood Reservation on the shore of Devils Lake in Ramsey county, North Dakota.

Approved March 20, 1913.

CHAPTER 33.

[H. B. No. 93—Lewis.]

NATIONAL GUARD.

AN ACT to Amend Section 1787 of the Revised Codes of the State of North Dakota for 1905.

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

AMENDMENT 1.] Section 1787 of the Revised Codes of the State of North Dakota for 1905 is amended to read as follows:

§ 1787. APPROPRIATIONS.] For the purpose of paying the expenses of the maintenance of the National Guard, there is hereby appropriated annually the sum of thirty thousand dollars (\$30,000.00) out of any moneys in the state treasury not otherwise appropriated, and all warrants against such appropriation shall be drawn by the State Auditor upon the State Treasurer, upon the voucher of the Chief of Supply or the Paymaster General, certified to by the Adjutant General and approved by the Governor, said sum of thirty thousand dollars (\$30,000.00) per annum to remain subject to warrants drawn as herein provided, until expended.

Approved March 20, 1913.

CHAPTER 34.

[H. B. No. 94—Lewis.]

STAND OF COLORS.

AN ACT Making an Appropriation for a Stand of Colors.

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

APPROPRIATION.] There is hereby appropriated the sum of two hundred and fifty dollars out of any money in the state treasury not otherwise appropriated, for the purchase of a stand of colors, for the First infantry of the North Dakota National Guard.

Approved March 20, 1913.

CHAPTER 35.

[H. B. No. 414—Stenehjem.]

NORWAY CENTENNIAL.

An Act to Provide for an Information Bureau, Arrangement and Display of the State of North Dakota at the Norway Centennial Celebration to be Held at Christiania, Norway, in 1914, and Providing for a Board of Commissioners Therefor, and Making an Appropriation for Such Purposes.

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

§ 1. For the purpose of establishing an information

bureau of the state of North Dakota at the Norway Centennial Celebration to be held at Christiania, Norway, in 1914, a commission is hereby created to be known as the "Norway Centennial Commission," which commission shall be composed of the governor and other citizens of the state to be selected by him. The governor shall be president of the commission. The governor shall fill by appointment any vacancy that may for any cause occur in said commission.

§ 2 Members of the commission herein provided for shall not be entitled to any compensation for their services, except their actual and necessary expenses for transportation and five dollars per day for subsistence for each day they are necessarily absent from their homes on the business of the commission.

§ 3. The expenses incurred under this act shall be audited and paid in the same manner as provided for the payment of expenses of state officers; *provided*, that no bill be audited and paid unless the same is approved by the manager and the governor.

§ 4. There is hereby appropriated out of any moneys in the state treasury available, the sum of ten thousand dollars, or as much thereof as may be necessary for the purpose of carrying out the provisions of this Act.

§ 5. The commission named in this Act, or their successors in office, shall hold their office for and during the term ending with the close of said Norway Centennial Celebration.

§ 6. A report shall be submitted to the next session of the legislature, showing an itemized statement of its receipts and disbursements by the commission.

§ 7. Whereas, an emergency exists in that said commission will require all the time possible to properly perform their duties, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1913.

CHAPTER 36.

[H. B. No. 192—Miller.]

NORMAL SCHOOL, MINOT.

An Act Making an Appropriation for the Normal School at Minot to Meet an Expenditure for the Erection of Buildings and Permanent Improvements Necessary in Connection Therewith, and for Furnishing, Equipment and Maintenance.

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

PARTIAL VETO.

To the Honorable, the Secretary of State:

I file herewith House Bill No. 192, an Act naming an ap-

appropriation for the Normal School at Minot to meet an expenditure for the erection of buildings and permanent improvements necessary in connection therewith, and for furnishing, equipment and maintenance, with my approval, except as to item of \$10,000.00 for equipment and furniture for dormitory; and except as to item \$1,000.00 for improvement of grounds, cement walks and so forth; and except as to item of \$5,000.00 for general maintenance; and except as to item of \$2,000.00 for equipment for domestic science and manual training

These items are 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.

Be it Enacted by the Legislative Assembly of the State of North Dakotas

§ 1. APPROPRIATION.] For the making of permanent improvements at the state normal school at Minot to assist in the maintenance thereof, and for other purposes the following sums of money, or so much thereof as may be necessary, are hereby appropriated from any funds in the state treasury not otherwise appropriated, viz:

Main buildings—Equipment and furniture for laboratories, library, gymnasium, general offices, music, cloak rooms, assembly room, recitation rooms, etc.	\$20,000.00
Dormitory—Equipment and furniture for living rooms, parlors, kitchen, dining room, laundry, etc.	10,000.00
Improvements of grounds, cement walks, trees, grading, etc.	1,000.00
General Maintenance—Including salaries of faculty and other help, electric light and power, water rent, printing, advertising, insurance, express, freight, fuel, drayage, incidentals, summer school, model school, etc.	5,000.00
Completion of girls' dormitory and equipment..	30,000.00
Equipment for domestic science and manual training	2,000.00
Total	\$68,000.00

Approved March 21, 1913.

CHAPTER 37.

[H. B. No. 114—Ployhar.]

NORMAL SCHOOL, VALLEY CITY.

AN ACT to Provide for the Making of Permanent Improvements at the State Normal School at Valley City, North Dakota, to Assist in the Maintenance Thereof, and for Other Purposes, and Make an Appropriation Therefor.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith house bill No. 114, an Act to provide for the making of permanent improvements at the State Normal School at Valley City, North Dakota, to assist in the maintenance thereof, and for other purposes, and make an appropriation therefor, with my approval, except as to item of \$1,000.00 for barn; and except as to item of \$3,500.00 for rural school for demonstration purposes, and so forth; and except as to item of \$5,625.00 for purchase of land.

These items are 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.

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

§ 1. Appropriation for the making of permanent improvements at the state normal school at Valley City, North Dakota, to assist in the maintenance thereof and for other purposes. The following sum of money, or so much thereof as may be necessary, are hereby appropriated from any fund in the state treasury not otherwise appropriated, namely:

For maintenance	\$45,000.00
For library	2,500.00
For barn	1,000.00
For apparatus and furniture.....	5,000.00
For improvement of grounds	1,000.00
For heat regulation and control.....	3,500.00
Rural school for demonstration purposes, furniture and equipment	3,500.00
For purchase of land	5,625.00

Total\$67,125.00

Approved March 21, 1913.

CHAPTER 38.

[S. B. No. 125—Elken.]

NORMAL SCHOOL, MAYVILLE.

AN ACT Making an Appropriation for the State Normal School Located at Mayville, North Dakota, for a Demonstration Rural School, Improvement of Campus, an Additional Storage Room for Fuel, a Green House, a Barn, Horses and Wagons, a System of Automatic Temperature Regulation in the Main Building, Completing the Ventilation System in the Main Building, and Rewiring the Main Building.

PARTIAL VETO.

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

To the Honorable, the Seceretary of State:

I file herewith senate bill No. 125, an Act making an appropriation for the state normal school located at Mayville, North Dakota, for a demonstration rural school, improvement of campus, an additional storage room for fuel, a green house, a barn, horses and wagons, a system of automatic temperature regulation in the main building, completing the ventilating system in the main building, and rewiring the main building, with my approval, except as to item of \$2,500.00 for additional storage room for fuel; and except as to item of \$2,500.00 for green house; and except as to item of \$1,500.00 for barn, horses and wagons.

These items are 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.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of fourteen thousand dollars (\$14,000.00), as follows:

- (1) A demonstration rural school.....\$ 3,500.00
- (2) Improvement of campus 1,500.00
- (3) An additional storage room for fuel..... 2,500.00
- (4) A green house 2,500.00
- (5) A barn, horses and wagon..... 1,500.00

(6) A system of automatic temperature regulation in the main building	2,000.00
(7) Completing the ventilation system in the main building	500.00
Total	\$14,000.00

Approved March 21, 1913.

CHAPTER 39.

[S. B. No. 130—Gilbert.]

PANAMA-PACIFIC EXPOSITION.

AN ACT to Provide for the Representation of the State of North Dakota at the Panama-Pacific International Exposition at San Francisco, California, Celebrating the Opening and Commercial Use of the Panama Canal, and Making an Appropriation Therefor.

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

§ 1. There is hereby authorized a commission to be known as the Panama Exposition Commission, to represent the State of North Dakota at the Panama-Pacific International Exposition at San Francisco, California, to be held in nineteen hundred and fifteen and celebrate the completion and commercial use of the Panama Canal.

§ 2. The commission hereby authorized shall consist of seven members, and shall be the governor, the commissioner of agriculture and labor, and five civilians of the state to be appointed by the governor. Said commission shall encourage and promote a full and complete exhibit of the commercial, educational, industrial, artistic and other interests of the state and its citizens, at such exposition and celebration, and shall provide, furnish and maintain during the exposition a building or buildings for a state exhibit and for the official headquarters of the state and for the comfort and convenience of its citizens and exhibitors. This commission shall, within thirty days after its appointment, and upon notification by the secretary of state convene in the city of Bismarck, and elect a chairman and vice-chairman, and perfect its organization for the transaction of the duties devolving upon it by reason of this Act.

§ 3. The members of the commission shall receive no compensation for their services, but shall be entitled to the actual necessary expenses incurred while in discharge of duties imposed upon them by the commission. Such commission may appoint a secretary and fix his compensation for all services to be performed in carrying out the provis-

ions of this Act, and the commission may also provide for such other clerical assistance and office facilities in this state or in San Francisco, as it deems necessary, but no salaries or expenses shall be incurred for a longer period than ninety days after the close of the exposition.

§ 4. The sum of thirty-five thousand dollars or so much thereof as may be necessary for the accomplishment of the above specified purposes, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of this Act. Of the moneys hereby appropriated, five thousand dollars shall be available in nineteen hundred and thirteen; twenty thousand dollars shall be available in nineteen hundred and fourteen, and the balance thereof shall be available in nineteen hundred and fifteen. Such money shall be paid by the state treasurer on the warrant of the state auditor issued upon a requisition signed by the chairman and vice-chairman of the commission, accompanied by an estimate of the expenses for the payment of which the money so drawn is to be applied. Within ninety days after the close of the exposition, such commission shall make a verified report to the governor of the disbursements made by it. No indebtedness or obligation shall be incurred under this Act in excess of the appropriation herein made.

§ 5. The commission shall, as requested by the governor, from time to time, render to him reports of its proceedings.

§ 6. This Act shall be in force from and after its passage and approval.

Approved March 20, 1913.

CHAPTER 40.

[H. B. No. 21—Campbell.]

REFORM SCHOOL.

AN ACT to Make Appropriation for the Erection of a New Building and Other Necessary Improvements, and for the Purchase of Land for the Reform School of North Dakota, Located at Mandan, N. D.

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

§ 1. APPROPRIATION.] There is hereby appropriated the following sums of money or so much thereof as may be necessary out of any moneys in the state treasury not otherwise appropriated for the erection of a new building, the purchase of additional land and other necessary improve-

ments for the state reform school, as follows:

Erection of a boys' cottage.....	\$10,000.00
For purchase of additional lands.....	1,500.00
For construction of dam across Hart River.....	2,000.00

Provided, said two thousand dollars for construction of dam to be available only when sufficient additional money has been contributed by other interested parties to fully complete such dam, and the state has been fully protected by a sufficient bond against liability for any damage incurred by reason of the construction of such dam.

Approved March 20, 1913.

CHAPTER 41.

[H. B. No. 293—France.]

APPROPRIATIONS, GENERAL.

AN ACT to Appropriate Money for the Expenses of the State Government and for Other Purposes; to Repeal Section 1737 of the Revised Codes of 1905, as Amended by Chapter 1 of the Session Laws of 1911, Chapter 73 of the Session Laws of 1909, Chapter 195 of the Session Laws of 1909, Chapter 284 of the Session Laws of 1911, and Sections 1295 and 1298 of the Revised Codes of 1905 and Section 1296 of the Revised Codes of 1905, as Amended by Chapter 31 of the Session Laws of 1909, so far as the Same Relates to Appropriations; Chapter 186 of the Session Laws of 1907; Sections 1287, 1288 and 1289 of the Revised Codes of 1905, as amended in Chapter 148 of the Session Laws of 1909; Chapter 175 of the Session Laws of 1911 and to repeal all Acts in so far as they conflict with the Provisions of This Act; Specifying the Amount and Time for Which Such Appropriations Shall be Available, and Providing the Manner in Which the Appropriations Herein Made Shall be Paid.

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

§ 1. APPROPRIATION.] The sums hereinafter stated, or so much thereof as may be found necessary, are hereby appropriated out of any state moneys in the treasury, for the purposes named in the following Sections of this Act, to be available in such sums and for the time specified.

§ 2. HOW APPROPRIATIONS SHALL BE PAID.] The appropriations hereinafter named shall be paid out by the state auditor only on vouchers fully itemized and sworn to, when approved by the state auditing board, provided that the salaries of the elected officials shall be paid without requiring the filing of any voucher.

§ 3. In any instance where another law provides, or pretends to provide, for certain expenses, it shall be stated what law is being changed, and the Section or Chapter shall be named, and the intended change stated.

§ 4. SALARIES OF ELECTED OFFICIALS.] The following sums are appropriated for salaries of the elected officials named, for the period beginning July 1, 1913, and ending July 1, 1915:

Governor	\$10,000.00
Lieutenant governor	2,000.00
Secretary of state	6,000.00
State auditor	6,000.00
State treasurer	6,000.00
Commissioner of insurance	6,000.00
Attorney general	7,200.00
Superintendent of public instruction.....	6,000.00
Commissioner of agriculture and labor.....	6,000.00
Judges of supreme court (5).....	50,000.00
Judges of district courts (12).....	96,000.00
Railroad commissioners (3).....	12,000.00

§ 5. SALARIES OF APPOINTED OFFICIALS.] The following sums are appropriated for salaries of the appointed officials named, for the period beginning July 1, 1913, and ending July 1, 1915, to be paid on sworn vouchers filed monthly with the state auditor:

Adjutant general (repeals Section 1737, Revised Codes of 1905, and Chapter 1, Session Laws of 1911)	\$ 3,600.00
Clerk of supreme court (repeals Chapter 73, Session Laws of 1909).....	4,000.00
Supreme court reporter (repeals Section 461, Revised Codes of 1905, and salary shall cover expense of office).....	3,000.00
Secretary of railway commission (repeals Chapter 195, Session Laws of 1909).....	4,000.00
Dairy commissioner (this salary in addition to appropriation in Chapter 4, Session Laws of 1911)	4,800.00
State law librarian (repeals Chapter 284, Session Laws of 1911, as to appropriation only).....	2,400.00
State oil inspector (as provided in Chapter 171, Session Laws of 1909).....	5,000.00
State examiner (named in Chapter 215, Session Laws of 1909).....	6,000.00
Assistant attorneys general (2), (salaries named in Chapter 219, Session Laws of 1909).....	10,000.00
State Board of Health (superintendent) salary named in Section 256, Revised Codes of 1905) ..	2,400.00
High school inspector (as named in Chapter 46, Session Laws of 1911).....	4,000.00
Inspector rural and graded schools (as named in Chapter 35, Session Laws of 1911).....	4,000.00

State board of health (superintendent), salary named in Sec. 256, Revised Codes of 1905)	2,400.00
High school inspector (as named in Chapter 46, Session Laws of 1911)	4,000.00
Inspector rural and graded schools (as named in Chap. 35, Session Laws of 1911)	4,000.00

§ 6. CLERK HIRE FOR THE STATE DEPARTMENTS, NAMES FOLLOWING.] The following named amounts are hereby appropriated for clerk hire in the departments and offices specified. This clerk hire shall be paid only on sworn vouchers, approved by the heads of the departments, and approved by the state auditing board. The appropriations following are for a period of thirty (30) months, beginning with January 1, 1913, and ending July 1, 1915. Section 390 of the Revised Codes of 1905 is repealed only so far as it shall pertain to the amounts appropriated for each office:

Governor's office	\$ 8,750.00
Secretary of state	28,000.00
State auditor	17,000.00
State treasurer	17,000.00
Commissioner of insurance	12,000.00
Attorney general	6,000.00
Superintendent of public instruction	17,000.00
Adjutant general (repeals Chapter 1, Session Laws of 1911)	3,750.00
Supreme court (clerk's office)	3,000.00
Stenographers (supreme court) (4)	11,250.00
Commissioner of agriculture and labor	11,250.00

§ 7. APPROPRIATIONS FOR MISCELLANEOUS EXPENSES.] The following amounts are appropriated for the purposes stated, and shall be for a period of thirty (30) months, beginning on the first day of January, 1913, and ending on the first day of July, 1915. All bills against the following appropriations shall be fully itemized, sworn to by the person filing, and filed with the state auditor for the approval of the auditing board if found correct, and a proper charge against any of the accounts named. Receipted sub-vouchers for all payments of one dollar or more shall be taken and filed with the expense bill:

For legal expense of the attorney general (to cover necessary traveling expenses of attorney general and assistants, as intended by Sec. 127, Revised Codes of 1905)	\$ 6,000.00
For expenses of the supreme court (for postage, express, telegrams, stationery and other miscellaneous expenses of the clerk and members of the supreme court)	2,000.00

Expenses of state oil inspector (to cover all miscellaneous office expense of the inspector and deputies, not to include salaries of deputies) . . .	7,000.00
Transportation of patients to hospital for insane (Chap. 275, Session Laws of 1911, shall not govern in charging for transportation of patients; charges shall be the same as provided in Sec. 2602, Revised Codes of 1905)	30,000.00
Transportation of convicts to reform school (same laws as is stated above to cover transportation of insane shall hold with transportation of convicts to reform school)	3,000.00
Per diem trustees:	
Agricultural college (Sec. 1104, Revised Codes of 1905)	3,000.00
School of forestry (Sec. 2131, Revised Codes of 1905)	700.00
State university (Sec. 1056, Revised Codes of 1905)	1,100.00
Live stock sanitary board (Chap. 169, Session Laws of 1911)	900.00
State library commission, for salaries and expenses	20,000.00
Prosecution escaped prisoners (as provided in Sec. 6689, Revised Codes of 1905)	500.00
State law library	5,000.00
Stallion registration board (as provided in Chap. 161, Session Laws of 1909, expense trustees or members board)	400.00
Traveling expense, clerk supreme court (as provided Sec. 454, Revised Codes of 1905)	150.00
Salary marshal supreme court (as provided in Sec. 462, Revised Codes of 1905)	600.00
Expenses judges district court while called to sit with supreme court judges (as provided in Chap. 176, Session Laws of 1911)	1,000.00
Expense high school inspector (as provided by Chap. 267, Session Laws of 1911)	2,500.00
List new taxable lands (as provided by Chap. 292, Session Laws of 1911, and Revised Codes of 1905)	2,000.00
Board of experts, penitentiary (all expense of this board and salary and expense of parole officer, as provided in Session Laws of 1911, Chap. 226)	6,000.00

Public printing (to repeal Chap. 186, Session Laws of 1907. This appropriation shall pay for printing public reports and documents, and printing supplies of elected officials and their departments, and others not having expense appropriations, where it is specifically provided their printing shall be paid out of this fund) 100,000.00

Maintenance of the capitol building (to pay janitor service, operation of car line, power house, water supply, coal, executive mansion, furniture, postage and other miscellaneous expense not provided for in special expense appropriations to other departments) 90,000.00

§ 8. LAW SHALL BECOME EFFECTIVE.] This law shall become effective July 1st, 1913, and at that the the state auditor shall have the authority to credit the appropriations which are made for the period from January 1, 1913, to the 1st of July, 1915, with such amounts as shall be due the appropriation for the full year 1913. This is provided for the reason that this is the first time the general appropriations bill provided in Section 62 of the constitution of the state of North Dakota has been attempted, and some Sections now in effect, but vague as to appropriations, have been repealed, and it is essential that there be a certain credit to take care of the payments of the year 1913.

§ 9. REPEAL.] Section 1737 of the Revised Codes of 1905, as amended by Chapter 1 of the Session Laws of 1911; Chapter 73 of the Session Laws of 1909; Chapter 195 of the Session Laws of 1909; Chapter 284 of the Session Laws of 1911, and Sections 1295, 1297 and 1298 of the Revised Codes of 1905, and Section 1296 of the Revised Codes of 1905, as amended by Chapter 31 of the Session Laws of 1909, so far as the same relates to appropriations; Chapter 186 of the Session Laws of 1907; Sections 1287, 1288 and 1289 of the Revised Codes of 1905, as amended by Chapter 148 of the Session Laws of 1909; Chapter 175 of the Session Laws of 1911, and all other Acts in so far as they conflict with the provisions of this Act, are hereby repealed.

Approved March 20, 1913.

CHAPTER 42.

[S. B. No. 145—Carter.]

SCHOOL OF SCIENCE.

AN ACT to Provide an Appropriation for the Current and Contingent Expenses and for the Permanent Improvements for the State School of Science at Wahpeton.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith senate bill No. 145, an Act to provide an appropriation for the current and contingent expenses and for the permanent improvements for the state school of science at Wahpeton, with my approval, except as to item of \$1,000.00 for grading and improving grounds; and except as to item of \$15,000.00 for completing assembly hall and gymnasium; and except as to item of \$4,000.00 for remodeling main building, including plumbing, and so forth.

These items are 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.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses and maintenance of, and for permanent improvements to the state school of science, for the period beginning March 1, 1913, and ending March 1, 1915, the sum of forty-eight thousand nine hundred eighty-five and 12-100 dollars (\$48,985.12), or as much thereof as may be necessary, as follows:

For deficit in maintenance and current expenses	
in 1911 and 1912	\$18,985.12
For maintenance, 1913	5,000.00
For maintenance, 1914	5,000.00

For grading and improving grounds.....	1,000.00
For completing assembly hall and gymnasium...	15,000.00
For remodeling main building, including plumbing, heating and ventilation.....	4,000.00
Total	\$48,985.12

Approved March 21, 1913.

CHAPTER 43.

[H. B. No. 152—Harty.]

SCHOOL OF FORESTRY.

AN ACT to Provide for the Making of Improvements at the North Dakota School of Forestry, to Assist in the Maintenance Thereof, and Making Appropriation Therefor.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith House Bill No. 152, an Act to provide for the making of improvements at the North Dakota School of Forestry, to assist in the maintenance thereof, and making appropriation therefor with my approval, except as to item of \$1,600.00 for installing heating plant and equipping green house.

This item 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.

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

§ 1. APPROPRIATION.] To assist in maintenance and to carry on experimental work and to equip greenhouse, the following sums of money are appropriated from any funds in the state treasury not otherwise appropriated, viz.,
To assist in the maintenance and the carrying
on of the experimental work\$12,500.00
For installing heating plant and equipping green-
house 1,600.00
Approved March 21, 1913.

CHAPTER 41.

[H. B. No. 201—Hill, Owens and Wardrope.]

BOARD OF IMMIGRATION.

AN ACT to Create a State Board of Immigration, Prescribing the Duties and Powers Thereof, Making Appropriation Therefor.

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

§ 1. STATE BOARD OF IMMIGRATION.] A board to be known as the North Dakota state board of immigration is hereby created.

§ 2. MEMBERSHIP.] The said board shall be composed of the state auditing board, which consists of the governor, secretary of state, auditor, treasurer, and attorney general.

§ 3. POWERS OF BOARD. GENERAL EXECUTIVE AGENT. DUTIES. OTHER EMPLOYEES.] The commissioner of agriculture and labor shall be the general executive agent of said board, and he shall act by and with the advice of the said board and shall perform such duties as said board may designate. The governor may appoint an agent, or agents, under the North Dakota state board of immigration, to visit any state in the United States for employment at such times and seasons of couraging immigrants to the state of North Dakota. He shall also solicit and encourage laborers, artisans and mechanics to come to this state from other states within the United States for employment at such times and seasons of the year as they may be needed to supply labor in this state. Such state immigration agent shall, under the direction of the governor and commissioner of agriculture and labor, be authorized to visit any state or foreign country where it may appear any settlers can be secured to the advantage of the state of North Dakota. Such agent shall make a report monthly, and, if required, oftener, to the governor and commissioner of agricultlure and labor, and all bills incurred by them shall be approved by the state board of immigration. *Provided*, that in the discretion of the governor and commissioner of agriculture and labor, the necessary expenses of such agents may be advanced from time to time.

§ 4. COMPENSATION.] Such agents shall receive such compensation for their services as may be fixed by the state board of immigration. *Provided*, their compensation and expenses shall not exceed the amount appropriated by this Act.

§ 5. BOND REQUIRED.] Such immigration agents shall each give to the state a bond in the sum of five thousand dollars for the faithful and impartial performance of their duties, to be approved by the governor as to sufficiency, and by the attorney general as to form.

§ 6. APPROPRIATION.] There is hereby appropriated out of the funds in the state treasury, not otherwise appropriated, the sum of five thousand dollars annually for the use of said board for the purpose of carrying into effect and force this Act.

§ 7. EMERGENCY.] Whereas, an emergency exists in that there is now no duly authorized state board of immigration for carrying out the purposes of this Act, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1913.

CHAPTER 45.

[S. B. No. 97—Linde.]

STATE FAIRS.

AN ACT Amending Section 1307 of the Revised Codes of North Dakota for the Year 1905, Relating to State Fairs.

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

§ 1. AMENDMENT.] Section 1307 of the Revised Codes of North Dakota for the year 1905 is hereby amended to read as follows:

§ 1307. GENERAL APPROPRIATION.] There is hereby appropriated out of any funds in the treasury of the state of North Dakota not otherwise appropriated, the sum of ten thousand dollars for premiums and five thousand dollars for maintenance, annually, to be expended by the directors of said association as follows:

For premiums in the way of live stock, poultry and agricultural products for better farming interests. Such appropriation to be paid to the North Dakota Fair Association for Grand Forks in the odd numbered years, and to the North Dakota Fair Association for Fargo in the even numbered years.

§ 2. EMERGENCY.] An emergency existing from the fact that the appropriation herein provided for is immediately necessary for the proper preparation for and conduct of the 1913 State Fair of North Dakota therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 21, 1913.

CHAPTER 46.

[H. B. No. 49—Williams.]

PENITENTIARY.

AN ACT Making an Appropriation for the Current and Contingent Expenses of the State Penitentiary and for Making Permanent Improvements and Additions Thereto.

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

§ 1. APPROPRIATION.] There is hereby appropriated the following sums of money, or so much thereof as may be necessary out of the moneys in the state treasury not otherwise appropriated, for payment of the current and contingent expenses of the State Penitentiary and for making permanent improvements and additions thereto as follows:

Warden's salary	\$ 4,000.00
Warden's expenses	1,000.00
Deputy Warden's salary	3,300.00
Book-keeper's salary	2,500.00
Storekeeper and clerk's salary	1,400.00
Matron's salary	800.00
Chaplain's salary	500.00
Guards and employees' salary	25,000.00
Maintenance	32,500.00
Heating and Lighting	12,100.00
Repairs and Improvements	4,000.00
Incidental and National Prison Congress.....	1,000.00
Transportation, clothing, etc., discharged inmates	2,500.00
Books and stationery	1,000.00
Water supply	2,000.00
For criminal insane ward	2,500.00
Pyhsician and medicines	2,000.00
	<hr/>
	\$97,800.00

§ 2. GIVING DIRECTIONS TO BOARD OF CONTROL.] Whereas, there was appropriated by the Twelfth Legislative Assembly, under Chapter 26 of the Session Laws of 1911, the sum of one thousand dollars, for the biennial period, under the item, "Expenses of Warden to Be Paid Monthly," and

Whereas, the board of control held the wording of the law was not sufficiently clear to warrant the payment of this sum of money on this account;

Now, therefore, the board of control is hereby directed to pay all of the money remaining in said funds, amounting to \$833.34, to Warden F. O. Hellstrom.

§ 3. CANCELLING APPROPRIATION FOR CONDEMNED PRISONERS' BUILDING.] Be it enacted that—

Whereas, an appropriation of \$2,500.00 for building for condemned prisoners, which was enacted by Chapter 19 of the Session Laws of 1909, has not been used, that the state auditor is hereby directed to cancel said appropriation and transfer said sum to the general fund of the state.

§ 4. EMERGENCY.] Whereas, an emergency exists in this that funds here appropriated are needed before July 1st, 1913, therefore this act shall take effect and be in force on and after its passage and approval.

Approved March 20, 1913.

CHAPTER 47.

[S. B. No. 7—Bronson.]

UNIVERSITY.

AN ACT to Appropriate Money for Maintenance, Equipment and Permanent Improvements at the State University and School of Mines of North Dakota.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 7, an Act to appropriate money for maintenance, equipment and permanent improvements at the State University and School of Mines of North Dakota, with my approval, except as to item of \$13,000.00 for re-wiring and establishment of permanent lighting system; and except as to item of \$2,000.00 for equipment and medical school; and except as to item of \$2,000.00 for equipment of School of Mines; and except as to item of \$1,000.00 for investigation of wind power and electricity; and except as to item of \$10,000.00 for extension division for lectures and correspondence courses.

These items are 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.

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

§ 1. APPROPRIATION.] There is hereby appropriated the following sums of money for the biennial period of 1913-

1915, out of the moneys in the state treasury not otherwise appropriated, for the purposes enumerated as follows:

For maintenance, \$22,500 annually	\$45,000.00
For re-wiring and establishment of permanent lighting system	13,000.00
For general repairs	5,000.00
For general library	5,000.00
For Law School library	3,000.00
For equipment of Medical School	2,000.00
For equipment of School of Mines	2,000.00
For boiler and heating plant for Plant House ...	1,800.00
For grounds	2,500.00
For investigation of wind power and electricity	1,000.00
For extension division, for lectures and correspondence courses, \$5,000 annually	10,000.00
For summer session, two years	3,000.00
Total	\$93,300.00

Approved March 21, 1913.

CHAPTER 48.

[H. B. No. 270—Geiger.]

OLD SETTLERS' PARK.

AN ACT to Appropriate Money for the Maintenance, Care and Repair of the Old Settlers' and Historical Park, at Walhalla, in Pembina County, North Dakota.

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

There is hereby appropriated out of any moneys of the general fund of the state of North Dakota not otherwise appropriated, the sum of \$1,000.00 for the maintenance, care, repair and improvement of the Old Settlers' and Historical Park at Walhalla, in Pembina County, North Dakota, said sum to be for the following purposes:

For repair of buildings, windmill, fences and water-works	\$250.00
For repair, care and improvement of the grounds of said park	\$500.00
For sheltering and care of historical relics belonging to said park.....	\$250.00

This appropriation for the biennial period, including the

years 1913 and 1914, but it is expressly provided that any part or all parts of said sum may be used for the purposes specified during the first of said period if all thereof shall be necessary to prevent the destruction, injury or waste of the said park property.

Approved March 20, 1913.

CHAPTER 49.

[H. B. No. 87—Davis.]

WHITE STONE HILL PARK.

AN ACT Relating to the White Stone Hill Memorial Park and Making an Appropriation Therefor.

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

§ 1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated out of the state treasury not otherwise appropriated for the purpose of paying certain bills on file in the auditor's office and remaining unpaid for lack of funds, and providing for the maintenance and upkeep of the White Stone Hill Memorial Park, to-wit:

For bills remaining unpaid for lack of funds and on file in the state auditor's office, seven hundred (\$700.00) dollars.

For the maintenance and upkeep of said park, four hundred (\$400.00) dollars.

Approved March 20, 1913.

ASSESSORS

CHAPTER 50.

[S. B. No. 386—Plain.]

ASSESSORS, BONDS AND OATHS.

AN ACT to Amend Section 1516 of the Revised Codes of 1905, Relating to the Bond and Oath of Assessors.

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

§ 1. AMENDMENT.] That Section 1516 of the Revised Codes of 1905 be amended to read as follows:

§ 1516. BOND AND OATH OF ASSESSOR.] Every person elected or appointed to the office of assessor shall, at or before the time of receiving the assesment books, file with the county auditor his bond, issued by the state bonding department, payable to the State of North Dakota, to be approved by the chairman of the board of township supervisors, in counties organized into civil townships, and in counties not so organized, by the board of county commissioners, and in cities as provided by law, in a penal sum of not less than one thousand dollars nor more than two thousand dollars, in the discretion of the board requiring such bond, conditioned that he will diligently, faithfully and impartially perform the duties enjoined on him by any law of this state now in force or which may hereafter be enacted; and he shall moreover take and subscribe on said bond the oath prescribed by Section 211 of the Constiution, and if any person so elected or appointed fails to give bond or fails to take the oath required within the time prescribed by law, such failure shall be deemed a refusal to serve, and create a vacancy that shall be filled as hereinafter provided.

Approved March 10, 1913.

BANKS AND BANKING

CHAPTER 51.

[S. B. No. 133—McDowell.]

POWERS OF BANKING CORPORATIONS.

AN ACT to Amend and Re-enact Section 4639 of the Revised Codes of 1905, Relating to Power of Banking Corporations.

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

§ 1. AMENDMENT.] Section 4639 of the Revised Codes of 1905, relating to power of banking corporations, is hereby amended and re-enacted to read as follows:

§ 4639. POWERS.] Upon making and filing articles of association and an organization certificate, the association shall become, as from the date of the execution of the same, a body corporate, and as such and in the name designated in the certificate, it shall have the power:

1. To adopt and use a corporate seal.
2. To have succession for a period of twenty-five years from its organization, unless it is sooner dissolved, according to the provisions of this chapter, or unless its franchise becomes forfeited by some violation of law.
3. To make contracts.
4. To sue and be sued.
5. To elect or appoint directors, two-thirds of whom must be residents of this state, and by its board of directors to appoint a president and vice-president, who shall be members of said board, a cashier and assistant cashier and such other employees as may be required; define their duties, require bonds of them and fix the penalty thereof; dismiss such officers or any of them, and appoint others to fill their places.
6. To provide by its board of directors, by-laws, not inconsistent with the laws of this state, to regulate the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its business conducted and the privileges granted it by law exercised and enjoyed.
7. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking, by discounting and negotiating promissory notes, bills of exchange, drafts and other evidences of debt, by

receiving deposits, by buying and selling exchange, coin and bullion, by loaning money upon real or personal security, or both; but no association shall transact any business, except such as incidental and necessarily preliminary to its organization, until it has been authorized by the Secretary of State to commence the business of banking, and the Secretary of State may withhold from any association his certificate authorizing the commencement of business, whenever he has reason to suppose that the shareholders have formed the same for any other than legitimate objects as contemplated by this chapter.

8. No such association shall have or carry among its assets at any one time loans dependent wholly upon real estate security in any amount exceeding twenty-five per cent of total loans and discounts, and then only upon first mortgages which shall not exceed forty per cent of the actual cash value of the property mortgaged, and in selling or disposing of said loans so made upon real estate security no such association shall have power to guarantee the payment or collection thereof, and any such guaranty made in violation of this provision shall not be binding upon such association but shall be upon the person or officer making the same.

Approved March 1, 1913.

CHAPTER 52.

[H. B. No. 28—Hedalen.]

PERMITTING INCREASE OF INVESTMENT IN BANKING HOUSE FURNITURE AND FIXTURES.

AN ACT to Amend and Re-enact Chapter 54, Laws of 1911, Relating to Corporations Having Banking Powers, Defining What Per Cent of the Capital Stock and Surplus of Such Corporation May be Used for Banking House Furniture and Fixtures, Defining its Powers as to Other Real Estate, and Repealing Section 4640 of the Revised Codes for the year 1905.

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

§ 1. AMENDMENT.] Chapter 54, Laws of 1911, is hereby amended so as to read as follows:

Chapter 54. SECTION 1. LIMITING THE POWERS OF ITS INVESTMENT IN BANKING HOUSE FURNITURE, FIXTURES, INCLUDING THE LOT OR PARCELS OF LAND ON WHICH BANKING HOUSE IS LOCATED.] It shall be unlawful for any corporation having banking powers and a capital stock of twenty thousand dollars or

more, to invest over thirty per cent of such stock and unimpaired surplus in banking house furniture and fixtures, including the lot, piece or parcel of land on which such banking house is located; *provided* that similar corporations with a capital stock of ten thousand dollars and less than fifteen thousand dollars may invest forty per cent of its stock and unimpaired surplus, and those with fifteen thousand dollars and less than twenty thousand dollars stock may invest thirty-five per cent of its capital stock and unimpaired surplus in such banking house furniture, fixtures, and lot, piece or parcel of land on which such banking house is located.

§ 2. POWERS AS TO OTHER REAL ESTATE.] It shall have the power to purchase, hold and convey such other real estate as shall be mortgaged to it in good faith by way of security for loans, or for debts previously contracted.

Such as may or shall be mortgaged to it in good faith in satisfaction of debts previously contracted in the course of its dealings.

Such as it shall purchase at sales under judgments, decrees or mortgages held by the corporation, or shall purchase to secure debts due it; but no banking corporation shall hold the possession of any real estate under mortgage, or title and possession of any real estate purchased to secure indebtedness, for a longer period than five years from the date of acquiring title thereto. And all real estate heretofore and hereafter conveyed by any such banking corporation, shall be deemed to have been acquired, held and disposed of in conformity with the provisions of this chapter.

§ 3. Any banking corporation violating the provisions of this Act shall be subject to a fine of not more than five hundred dollars and cancellation of its organization certificate.

§ 4. It shall be the duty of the State Examiner to enforce the provisions of this Act.

§ 5. Section 4640 of the Revised Codes of the year 1905 is hereby repealed.

Approved February 26, 1913.

BERTILLION

CHAPTER 53.

[H. B. No. 329—Kyllo.]

IDENTIFICATION OF CRIMINALS.

AN ACT Providing for the Proper Identification of Persons Charged With the Commission of a Public Offense.

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

§ 1. It shall be lawful for the sheriff of any county or the chief of police of any city in this state, in order to secure the proper identification of any person in his custody who is charged with the commission of a public offense, and who, in his opinion, has a criminal record, to take the finger prints or measurements of the Bertillion system of measurement and to keep a record thereof.

Approved March 5, 1913.

BOARD OF CONTROL

CHAPTER 54.

[S. B. No. 225—Elken.]

NORMAL BOARD OF CONTROL.

AN ACT to Amend and Re-enacting Sections 6 and 8 of Chapter 61 of the Session Laws of the State of North Dakota of 1911, Relating to Normal Schools.

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

§ 1. AMENDMENT.] Section 6 of Chapter 61 of the Session Laws of 1911 is amended and re-enacted to read as follows:

§ 6. CONSTITUTION OF BOARD.] The Normal Board of Control shall consist of one member for each school, who shall reside within the vicinity of such school, of three members from the state at large, and of the Superintendent of Public Instruction, *ex-officio*, *provided*, that no two members shall be from the same county.

§ 2. AMENDMENT.] Section 8 of Chapter 61 of the Session Laws of 1911 is amended and re-enacted to read as follows:

§ 8. COMMISSION, QUORUM, PRESIDENT AND SECRETARY.] The Governor shall cause to be issued to each of the appointive members of the board, a commission under the great seal of the state. A majority of the entire membership of the board shall constitute a quorum for the transaction of business. The board shall elect a president from among the members at large. It shall also elect a secretary, who may or may not be a member of the board, and who shall receive such compensation as the board may determine, not to exceed two thousand dollars per annum.

Approved March 1, 1913.

CHAPTER 55.

[H. B. No. 252—Hawkinson.]

BOARD OF CONTROL.

AN ACT to Amend Section 8 of Chapter 62 of the Session Laws of 1911, Relating to Institutions Under Jurisdiction of the Board of Control of State Institutions.

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

§ 1. AMENDMENT.] Section 8 of Chapter 62 of the Session Laws of 1911 is hereby amended to read as follows:

§ 8. INSTITUTIONS UNDER CONTROL.] The Board of Control shall have full power to manage, control and govern, subject only to the limitations contained in this Act, the State Hospital for the Insane, the State Penitentiary, the North Dakota Blind Asylum, the School for the Deaf and Dumb, the School for the Feeble Minded, the State Reform School, the North Dakota State Tuberculosis Sanitarium, and such other charitable and reformatory and penal institutions as have been or may hereafter be created or established according to law. The Board of Control so appointed and qualified shall, within ten days after their appointment, establish an office in the State Capitol at Bismarck, and shall thereafter have full access to all the state institutions mentioned in this Section, and to all books, accounts, vouchers, supplies and equipments of each of said institutions for the purpose of familiarizing themselves with the conditions, needs and requirements thereof; and, subject to the limitations in this Act contained, the said board shall assume full control of said institutions on the first day of July, A. D. 1913; *provided*, however, that this Act shall not apply to the Soldiers' Home.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 17, 1913.

CHAPTER 56.

[H. B. No. 342—Northrup.]

MEDICAL EXAMINER.

An Act to Prevent Procreation of Confirmed Criminals, Insane, Idiots, Defectives and Rapists; Providing for a Board of Medical Examiners, and Making Provisions for Carrying Out of Same.

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

§ 1. Whenever the warden, superintendent or head of any state prison, reform school, state school for feeble

mined, or of any state hospital or state asylum for insane shall certify in writing that he believes that the mental or physical condition of any inmate would be improved thereby, or that procreation by such inmate would be likely to result in defective or feeble-minded children with criminal tendencies, and that the condition of such inmate is not likely to improve, so as to make procreation by such person desirable or beneficial to the community, it shall be lawful to perform a surgical operation for the sterilization of such inmate as hereafter provided.

§ 2. For the purpose of carrying into effect the provisions of this act, the chief medical officer of any such institution, the secretary of the state board of health, and one other competent physician and surgeon whose appointment is hereinafter provided for, shall constitute the board of examiners for such institution. The third member of such board shall be a competent physician and surgeon of good standing and of at least ten years' practice of his profession in North Dakota, who shall forthwith be appointed by the State Board of Control, and who shall serve during the pleasure of said Board of Control. One such appointment may be made in each county in which one of such institutions is located, or one may be appointed to act for any two or more of such institutions to be named in the letter of appointment. The per diem compensation of such member so appointed shall be fixed by the State Board of Control in the letter of appointment, and shall not be in excess of \$10.00 per day, while in actual performance of their duties; a duplicate of this letter shall be filed with the State Auditor, and the per diem and actual necessary expenses of such member shall be allowed and paid in the same manner as is provided for by law for the payment of the salaries and expenses of the members, agents, and employees of the State Board of Control.

§ 3. When the superintendent of any such institution shall deem it advisable that such operation be performed on any one or more of the inmates thereof, he shall make such recommendation in writing, signed by him, and file one copy thereof with the Board of Control and one with the chief medical officer of such institution, whereupon the chief medical officer of such institution shall forthwith call a meeting of such board of examiners to be held at such institution at a date not less than fifteen days after the issuance of such call, and such call shall be in writing signed by such chief medical officer, and shall clearly set forth the date and object of such meeting, and shall contain the names of all inmates whose cases are to be considered at such meeting.

§ 4. At such meeting such board of examiners shall diligently inquire into the mental and physical condition of each inmate so considered, and as far as practicable, into his family history, and for that purpose any member of said board may administer an oath to any witness whom it is desired to examine, and such hearing may be adjourned from day to day, and, if necessary, sessions may be held elsewhere than at such institution.

§ 5. After fully inquiring into the condition of each such person, such board of examiners shall make separate written findings for each of the persons whose condition has been inquired into, and such findings shall either order that such inmate be sterilized by such operation as may be deemed best, or shall find that sterilization is not necessary or desirable, or shall continue the case to a time and place therein named or upon future call, for further observation and inquiry; and such hearing shall be conducted according to the provisions of Section 4 of this act. If such board in its finding order such operation upon such inmate, it shall, in such finding, designate what operation is to be performed, and its purpose, and shall designate some skilled surgeon, who may or may not be one of their own number, who shall perform it.

§ 6. Such institutions shall keep all files in any proceedings under this act, and full minutes of all such meetings, and for that purpose the chief medical officer of such institution shall be the secretary of such board of examiners and custodian of its records.

§ 7. When in the opinion of the chief medical officer of any such institution, such operation would be necessary or desirable upon any inmate thereof, for any of the purposes herein set forth, and such inmate requests in writing that such operation be performed, or consents thereto in writing, he may perform or procure the performance of such operation without bringing the matter to the attention of such board of examination. When any such operation is performed under the provisions of this section, it shall be the duty of the chief medical officer who performs or procures the performance of such operation to immediately report to the State Board of Control the details of such operation, upon such blanks as the board of Control may prescribe.

§ 8. Whenever the state's attorney of any county shall have reason to believe that any person who shall be convicted of felony, has been twice or more previously convicted of felonies in North Dakota or elsewhere, it shall be the duty of such state's attorney to investigate and to secure at the expense of the county, transcripts of records of

conviction from other counties and states, and also such evidence of identification as may be obtained. Such proof when obtained shall be forwarded to the State Board of Control, who shall thereupon notify the chief medical officer of the institution to which such person is committed, and the Secretary of the State Board of Health, and such case shall be dealt with in accordance with the procedure stated in Section 1 of this act, that no such operation shall be performed without the consent of the board of control.

§ 9. No surgeon who shall skillfully perform any operation as authorized by this act shall be held accountable therefor, but the finding and order of this said board of examiners or the court, or the consent of such inmate and parents or guardian shall be his full warrant and authority therefor.

§ 10. It shall be the duty of the chief medical officer of any such institution in which any sterilized inmates, are confined to make careful observation of each of such inmates, particularly with the view of ascertaining the effect of such operation upon the moral, mental and physical condition of such sterilized persons, and once a year, and oftener if called for by the Governor, to make report on each of such persons in writing, keeping a copy of such report on file in such institution, and furnishing copies to the Governor, the State Board of Control, the secretary of the state board of health

§ 11. EMERGENCY.] Whereas, heredity plays a most important part in the transmission of crime, insanity, idiocy and imbecility, and our institutions for degenerates are overcrowded on account of the lack of adequate means of checking the ever increasing numbers of this class; and whereas, there is now no provision in law authorizing an operation for the sterilization of defective persons, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1913.

CHAPTER 57.

[S. B. No. 362—Bond.]

STATE INSTITUTIONS.

AN ACT to Amend and Re-enact Sections 35 and 38 of Chapter 62 of the Session Laws of 1911, Relating to Estimates, Salaries and the Purchase of Supplies for State Institutions.

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

§ 1. That Sections 35 and 38 of Chapter 62 of the Session Laws of 1911 be amended to read as follows:

§ 35. INSTITUTIONS, SALARIES.] The board shall, prior to July 1st, 1911, and annually thereafter, fix, with the written approval of the Governor, the annual or monthly salaries of all the officers and employees in the several institutions, except such as are fixed by the legislative assembly. The board shall classify the officers and employees into grades and the salaries and wages to be paid in each grade shall be uniform in similar institutions in this state. The schedule of wages so fixed shall become operative on July 1st of each year. *Provided*, however, that the salaries of officers and employees of said state institutions, except the local treasurers thereof, who are now holding for a definite term, and a salary fixed by law or by contract according to law, shall remain the same until the expiration of such term. The salaries and wages shall be included in the monthly estimates as hereinafter provided, and paid in the same manner as other expenses of the several institutions. Officers shall be entitled to the necessary food supplies for their families, and shall receive such allowance from the supplies of the institution, but shall not be entitled to delicacies when not in season. The word "family" shall be construed to mean only the wife and minor children of an officer.

§ 38. TRIPPLICATE ESTIMATES REVISIONS PURCHASE OF SUPPLIES.] The superintendent, warden or other chief executive officers, as may be designated by the board of control, shall, on or before the fifteenth day of February, May, August and November, cause to be prepared triplicate estimates in minute detail, including estimates, cost of each item, of all the expenditures required for the institution for the ensuing quarterly period beginning on the 1st day of January, April, July and October. Such estimates shall also include a statement of the source and amount of all the revenues received by the said institution and accounted for to the state treasurer on the first day of each month. Two of the said triplicate estimates shall be sent to the officer of the board and the third shall be kept by the superintendent, warden or other chief executive officer. The board may revise the estimates for supplies of other expenditures, either as to quantity, quality or the estimated cost thereof, and shall certify that it has carefully examined the same and that the articles contained in such estimate as approved or revised by it are actually required for the use of said institution. The board shall thereupon advertise for bids for such supplies, requiring samples in every possible case, and such supplies purchased shall in all cases be at least equal in value to the sample submitted by the successful bidder. Where samples are submitted and

bids are the same the firm in the state so bidding shall have the preference. This provision, however, shall not apply to the purchase of fibre for the twine plant but the Board of Control and the warden shall jointly purchase such necessary fibre in the manner thought to be the most economical to and for the best interests of the state. When the estimates have been so certified and revised and bids for the supplies enumerated and described therein have been received and contracts for furnishing the supplies have been let a copy of such revised estimates and the contract for furnishing the supplies enumerated and described in such revised estimates duly certified shall be sent to the institution and another copy retained by the board. The certified copy sent to the institution shall be sufficient authority to the management of the institution to purchase the supplies enumerated in said estimates at prices not to exceed those named in the contract and not otherwise. Said supplies shall be so purchased as to permit at least thirty days' time to pay therefor, and the steward, clerk or other officer of the institution designated by the board shall require itemized bills to be rendered by the person who furnished supplies, in duplicate, for all purchases whether made upon contract or otherwise, which shall be in the following form:

The State of North Dakota, on account of.....
 (Date.)

To Dr.

(Here insert an itemized account of goods or property purchased.)

The State of.....)
 County of.....)

I,, on oath say that the foregoing bill of account is correct and just, and wholly unpaid; that the exact consideration therein charged for was received by the said institution; that neither the same nor any part thereof have since been commuted; that neither bonus, commission or discount, nor any other consideration, directly or indirectly, has been given or stipulated within my knowledge or belief, because of the purchase thereof, as herein set forth, or for any other reason.

(To be signed by the person having personal knowledge of the facts herein set forth.)

.....
 Sworn to and subscribed before me this.....
 day of.....

.....
 I hereby certify that the above account is correct and that the articles therein charged have been received in

good order by the.....institution.

Steward, Clerk or other designated officer.

It shall be endorsed as follows:

No. Institution, \$.....

Passed upon by the Board of Control on the day of and ordered paid.

Approved March 13, 1913.

CHAPTER 58.

[H. B. No. 357—Buck.]

BOARD OF CONTROL.

AN ACT to Amend and Re-enact Section 1189 of the Revised Codes of North Dakota for 1905.

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

§ 1. AMENDMENT.] Section 1189 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 1189. POWERS AND DUTIES OF BOARD. SALARIES.] The board of control shall have general control and management of the hospital, and shall make all by-laws, rules and regulations necessary for the government of the same, not inconsistent with the laws of the state. It shall appoint a superintendent who must be a physician of acknowledged skill and ability and a graduate of a reputable medical college. The superintendent shall appoint one or more assistant physicians who shall possess like skill and ability, and be a graduate of a reputable medical college; the board of control shall appoint a steward, also a matron, all of whom shall be styled the resident officers of the hospital, and who shall reside therein, and be governed by the laws and by-laws of the institution. The annual salaries of the resident officer shall be as follows: Superintendent, not to exceed \$4,000.00; matron, not to exceed \$900.00; steward, not to exceed \$2,000.00; assistant superintendent, not to exceed \$2,000.00; assistant physician, not to exceed \$1,600.00; which said salaries shall be fixed by the board of control.

Approved March 14, 1913.

CHAPTER 59.

[H. B. No. 378—Bartley.]

BOARDS OF HEALTH.

AN ACT to Amend Sections 259, 262, 263, 264, 267, 275, 3116 and 3117 of the Revised Codes of 1905, Relating to County and Township Boards of Health and Relating to the Meetings and Duties of Officers of County Boards of Health.

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

§ 1. AMENDMENT.] That Section 259 of the Revised Codes of 1905 be amended to read as follows:

§ 259. There is hereby established county boards of health, composed of a president, vice-president and superintendent; the state's attorney in each county shall be president of the county board; the county superintendent of schools shall be vice-president, and it shall also appoint a superintendent of public health for the county, who shall be learned in medicine and hold a license to practice medicine and surgery within the state, and the several persons appointed shall hold their offices for one year and until their successors are elected and qualified.

Provided, however, that whenever the state board of health has reason to believe that the county superintendent of public health is failing to perform his duties as prescribed by law they may report the case to the board of county commissioners, and the latter shall at their next meeting declare the office vacant, and appoint another physician in his place for the remainder of the unexpired term.

§ 2. AMENDMENT.] That Section 262 of the Revised Codes of 1905 be amended to read as follows:

§ 262. The several county boards of health shall have power within their respective counties outside of the corporate limits of cities having a city board of health, subject to the supervisory control of the state board of health and its secretary.

1. To supervise all matters relating to the preservation of life and health of the people, including public water supplies and sewerage system, and have supreme authority in matters of quarantine, which it may declare and enforce when none exists and modify, relax or abolish when it has been established.

2. To isolate, kill or remove any animal affected with contagious or infectious diseases that is a menace to the health of human beings.

3. To remove or abate, or cause to be removed or abated,

any public or private nuisance that may endanger the health of others.

4. To make and enforce orders in local matters when emergency exists, or when the local board of health has neglected or refused to act with promptness or efficiency, or when such board has not been established, as provided by law. In such cases the necessary expense incurred shall be paid by the county for which the services are rendered. All expenses actually and necessarily paid or incurred by the county board of health in carrying out the provisions of this Article, such as livery, hotel bills, quarantine guards, automobile hire, railroad fare, stamps, etc., shall be audited by the board and certified to the county commissioners, and shall be paid the same as other county expenses are paid.

§ 3. AMENDMENT.] That Section 263 of the Revised Codes of 1905 be amended to read as follows:

§ 263. POWERS AND DUTIES OF THE SUPERINTENDENT.] The county superintendent of health shall have charge of and superintend, subject to the supervisory control of the state board of health, all matters and things mentioned in Subdivisions 1, 2, 3 and 4 of Section 2 of this Act, throughout the county outside of the corporate limits of cities. He shall exercise supervisory control of the local boards of health within his county, known as village boards of health and township boards of health. He shall furnish at the expense of the county board of health all township and village clerks and all physicians within his jurisdiction with proper blanks for reporting to him all contagious and infectious diseases. He shall properly instruct the township and village clerks and the physicians within his jurisdiction on the proper methods to employ in reporting contagious diseases. He shall be charged with strict and thorough enforcement of the laws, rules and regulations to the end that the health of the people be conserved and protected. When it shall come to his notice, or when he believes that there is a probability that a dangerous disease exists within his jurisdiction he shall make such sanitary inspection of such places as he may deem advisable, and shall take such action and enforce such rules and regulations as he may deem necessary for the protection of the public health. Whenever a village board of health or township board of health within his jurisdiction neglects or refuses to perform any of its duties as specified in this Act, or refuses or neglects to execute any of the orders or regulations of the county board of health, then the superintendent of said county board of health may execute its orders and regulations by agents of its own appointment. He shall have full and complete control, subject to the supervisory control of the state board of health, of all matters pertaining to public health outside the

limits of incorporated cities within his county. He shall decide when quarantine and disinfection are necessary for the safety of the public, and shall have power to establish and perform the same. All expenses incurred in quarantining or disinfecting outside of incorporated cities shall be audited by the county board of health and paid for out of the general fund of the county. He may send out circulars permitting the use of the long distance telephone at the expense of the county board of health in all cases of emergency. He may also investigate, subject to the supervisory control of the state board of health, all public water and ice supplies which are suspected of being infected and cause them to be condemned whenever he finds it necessary. He may also investigate public milk supplies and prohibit the sale of unwholesome milk and dairy products, stop shipment of spoiled or unwholesome meat, the slaughtering of diseased animals, and subsequent sale of the meat thereof. He shall enforce cleanliness in schools, inspect over-crowded, poorly ventilated and insanitary school houses, and when necessary report such cases to the board of inspection, as provided in Section 80, Chapter 266, of the Sessions Laws of 1911. He shall by the tenth day of each month report to the secretary of state board of health, on blanks furnished for that purpose, the name and address of each case of dangerous and contagious, infectious diseases occurring in his jurisdiction for the preceding month, with the name of the party reporting the same, together with a detailed statement of his official acts.

4. AMENDMENT.] That Section 264 of the Revised Codes of 1905 be amended to read as follows:

§ 264. The president and vice-president of the board shall receive three dollars per day for every day in which they may be actually and necessarily engaged in the performance of their duties, and five cents per mile for every mile actually and necessarily travelled in the discharge of their duties. The county superintendent of health shall receive from three hundred dollars to six hundred dollars a year for his office work, which sum shall be determined annually by the county commissioners, and according to the efficiency of the health officer and the amount and character of the work performed. He shall also receive five dollars per day for every day or fraction thereof that he may be actually and necessarily engaged in the performance of his official duties, not including work confined to his office, and in addition to his expenses and other remunerations shall receive five cents for each mile actually and necessarily traveled in the performance of his duties.

§ 5. AMENDMENT.] That Section 267 of the Revised Codes of 1905 be amended to read as follows:

§ 267. At the first meeting of the city council in April of each odd-numbered year there shall be appointed by the mayor and confirmed by the council one health officer, who shall hold his office for two years and until his successor is appointed and qualified. *Provided*, however, that when the state board of health is satisfied that the city health officer is neglecting or refusing to perform the duties of his office in conformity with the laws, rules and regulations which are in force governing such matters they may report the case to the city council and the mayor shall at the next meeting declare the office vacant and appoint another physician to fill the unexpired term.

Sub-division A. MEETINGS.] The board shall meet on the first Tuesday after the first meeting of the city council in April at such hour and place as may be named by the city health officer. The board shall organize by electing from its members a president and vice-president. The city health officer shall be secretary and executive officer of the board. A majority of the board shall constitute a quorum. The other regular meetings of the board shall be held on the second Tuesday in July, October and January. Special meetings may be held at any time on call of the president and secretary.

Sub-division B. DUTIES OF OFFICERS OF BOARD.] The president of each city board of health shall preside at the meetings thereof and in his absence the vice-president shall perform the duties of the president. The secretary shall keep a record of all the proceedings of the board and of his official acts. He shall see that the health ordinances of the city, the rules and regulations of his board and the rules and regulations of the state board of health and the health laws of the state are fully complied with throughout his jurisdiction and he is hereby charged with strict enforcement of the same. He shall properly instruct the physicians within his jurisdiction in the proper methods to employ in reporting contagious diseases and shall furnish said physician with the necessary blanks for that purpose, such blanks to be of the form prescribed by the state board of health. He shall keep a record of all dangerous, contagious and infectious diseases occurring within his jurisdiction, which record shall show the name and address of the party affected, the name of the disease, by whom reported and such other statistical data as may be required by the state board of health. He shall by the tenth of each month report to the secretary of the state board of health on blanks furnished for the purpose, all cases of dangerous, infectious and contagious diseases that have occurred within his jurisdiction during the preceding month, with such further data as may be required by the state board of health. The diseases that

shall be regarded as infectious or contagious shall be those so designated in the rules and regulations of the state board of health.

§ 6. AMENDMENT.] That Section 275 of the Revised Codes of 1905 be amended to read as follows:

§ 275. ANY PHYSICIAN TO REPORT CASES OF CONTAGION.] Whenever it shall come to the knowledge of any physician or other person that a case of tuberculosis, typhoid fever or any other dangerous infectious disease exists within the jurisdiction of any county or city board of health, he shall immediately report to the superintendent of the county board of health or to the city health office in whichever jurisdiction the case may be, the name and place of residence, if known, of every person afflicted with such disease, and if he is the attending physician of such person he shall report not less than twice each week, the condition of each person so afflicted with the state of such disease.

§ 9. AMENDMENT.] That Section 3116 of the Revised Codes of 1905 be amended to read as follows:

§ 3116. The supervisors of each township and the trustees of each incorporated village shall constitute a board of health and within their respective townships or villages shall have and exercise under the supervisory control of the county superintendent of public health, all the powers necessary for the preservation of public health.

§ 10. AMENDMENT.] That Section 3117 of the Revised Codes of 1905 be amended to read as follows:

§ 3117. The board of health may examine into all nuisances, sources of filth and causes of sickness and make such temporary regulations respecting the same as it shall judge necessary for the public health and safety of the inhabitants, but upon taking such action, the board shall immediately report the same to the county superintendent of public health, who shall then take the matter up and give the board specific instructions or proceed to the place and take such action as he may deem necessary for the protection of public health, and each person who violates any order or regulation made by any board of health, and duly published, is guilty of a misdemeanor and is punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months.

Approved March 15, 1913.

CHAPTER 60.

[H. B. No. 78—Everson.]

DEFINING BOOTLEGGING AND MAKING IT A CRIME.

AN ACT Defining Bootlegging, Making It a Crime, and Fixing the Punishment Therefor.

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

§ 1. BOOTLEGGING DEFINED.] Bootlegging is herewith made a crime. The person committing the crime of bootlegging may be designated a bootlegger. The crime of bootlegging within the meaning of this act is committed by any person who sells or barter intoxicating liquors one or more times to one or more persons upon the public roads of this state, or upon the streets or alleys of any town, or incorporated village or city, or upon the right of way or in the buildings of any railroad or other common carrier, or upon the lands or in the buildings belonging to the state of North Dakota or any of its political subdivisions, or upon the lands or in the buildings of any person, partnership or corporation without the permission of the owner or the person entitled to the possession of such lands or buildings. Any person who aids, assists or abets in the commission of said crime or receives any portion of the proceeds of such sales of intoxicating liquors shall be also held guilty of said crime.

§ 2. PENALTY.] Every person convicted of the crime of bootlegging shall for the first offense be punished by imprisonment in the penitentiary for not less than six months and not more than one year; and for the second and each successive offense shall be punished by imprisonment in the penitentiary for not less than one or more than two years.

§ 3. EMERGENCY.] Whereas, there is no adequate punishment for the crime herein defined, now therefore an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved February 20, 1913.

CHAPTER 61.

[S. B. No 174—Davis.]

PREMIUMS ON BONDS AND INSURANCE.

AN ACT Repealing Section 7 of Chapter 235 of Session Laws of 1911,
Relating to the Payment of Premium on Bonds and Insurance.

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

§ 1. Section 7 of Chapter 235 of Session Laws of 1911, is hereby repealed.

§ 2. **EMERGENCY.]** An emergency exists in that unnecessary expenditures are made by the state of North Dakota for premiums on bonds and insurance policies. This act shall be in force and effect from and after its passage and approval.

Approved March 11, 1913.

BUDGET

CHAPTER 62.

[S. B. No. 293—Williams.]

ANNUAL COUNTY BUDGET.

AN ACT to Provide for the Preparing of an Annual County Budget.

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

§ 1. It shall be the duty of every officer in charge of any institution, office or undertaking supported wholly or in part by the county, to file with the county auditor, on or before March 15th, of each year, on suitable blanks furnished by him, an itemized statement of the amounts of moneys which, in the opinion of such officer, will be required for the proper maintenance, extension or improvement of such institution, undertaking or office for the fiscal year next ensuing. The local officers who have charge of any poor relief which is supported wholly, or in part, by the county, shall in like manner furnish the county auditor with statements of the estimated amounts required from the county for poor relief during the ensuing financial year. It shall be the duty of the county auditor to furnish each officer or person required to make a statement with suitable blank forms, on or before March 1st of each year.

§ 2. DUTY OF AUDITOR.] It shall be the duty of the auditor to furnish each county commissioner, on or before the first meeting of the board of county commissioners in April, with a tabulated statement showing the several amounts asked for, for each institution, office and undertaking, and a brief explanation of the reasons therefor. Such tabulated statement shall be accompanied by a statement showing estimates of income from each and every source, and such other data as the county auditor may deem necessary for the full comprehension of said tabulated statement.

§ 3. At the April meeting of each year, the board of county commissioners in each county of this state shall prepare, or cause to be prepared, a statement:

1. Showing in detail the proposed undertaking of the county and the relative importance of each such undertaking.

2. Showing detailed estimates of the cost of the proposed undertakings.

3. Showing detailed estimates of the cost of the whole operation of the county government for the ensuing fiscal year, and the cost of each principal detail or line of endeavor of each such operation.

Also a statement showing:

1. The amounts appropriated for each such estimate for the ensuing fiscal year.

2. The amount of revenues applicable to meet expenditures and the sources of such revenue.

3. The amounts necessary to be raised by taxes for each purpose and the total amount for all purposes.

Such statement shall be published at least once in at least one newspaper in the county during the month of May.

In order to prepare the estimates and tabulations herein provided for, the county commissioners may require every officer or board which has charge of any county institution, undertaking or office, to furnish any information in relation to the affairs of their respective offices, undertakings or institutions, that the board may deem necessary, and the board may also employ such experienced accountants as may be necessary, whose compensation shall be fixed by the board.

Approved March 12, 1913.

CHAPTER 63.

[H. B. No. 163—Norheim.]

STATE BUDGET.

AN ACT to Provide for the Preparing of a State Budget.

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

§ 1. STATEMENT OF DESIRED APPROPRIATIONS TO BE FILED WITH THE STATE AUDITOR.] Not less than forty days before the beginning of each regular session of the legislative assembly, the State Auditor shall send to the head of each administrative department of the state government, and to each officer, board or commission in charge of any educational, charitable, penal or other institution or undertaking supported wholly or in part by appropriation from the state treasury, a suitable blank form to be filled out by such head of such department, officer, board or commission, with an itemized statement of the amounts of money which, in the opinion of said department, officer, board or commission, will be required for the proper maintenance, extension or improvement of the department, institution or undertaking in his or their charge during the two fiscal years next ensuing. The officers, boards and commissions receiving such blank forms shall return them, properly filled out, on or before December 10th, to the State Auditor, together with statement of purpose for which any appropriation is desired at the ensuing session of the legislative assembly by such officer, department, board or commission. The State Auditor may also from time to time, and in his discretion require any department, board or commission to report to him as to such other fiscal affairs as the Auditor shall deem necessary for the proper compilation provided for by Section 3 of this Act.

§ 2. CLAIMS AGAINST THE STATE. STATEMENTS TO BE FILED. STATEMENTS TO BE PUBLIC RECORDS.] Any person having a claim against the state which requires action by the legislative assembly, shall file with the State Auditor a statement of the amount of such claim, together with a brief statement of the facts upon which it is based, not later than December first, preceding the meeting of the legislative assembly.

All reports and statements filed with the State Auditor under the provisions of this Act shall be public records.

§ 3. DUTIES OF THE STATE AUDITOR AS TO TABULATION OF STATEMENTS.] Within five days after the opening of each regular session of the legislative assembly, the State Auditor shall furnish the Governor and to each member of the

legislative assembly, a tabulated statement in printed form, showing the several amounts asked for, the total for each department, institution or undertaking, the grand total, and a brief explanation of the purpose of or reasons for each proposed appropriation, as given by each department. Such tabulated statement shall also be accompanied by a statement showing the estimates of income from each and every source, and such other data as the Auditor may deem necessary and proper for the full comprehension of such tabulation.

Approved March 14, 1913.

CHAPTER 61.

[S. B. No. 235—Joint Committee on Education.]

APPROPRIATION REQUESTS TO BE PRINTED.

AN ACT to Provide for the Submission and Printing of the Requests for Appropriations and Proposed Legislation in Advance of the Meeting of the Legislature.

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

§ 1. REQUIRED OF BOARDS.] The boards of trustees of the State University at Grand Forks, the Agricultural College at Fargo, the State Normal Schools, the Normal and Industrial School at Ellendale, the Science School at Wahpeton, and the School of Forestry at Bottineau, shall prepare and submit to the state board of education on or before November 15 preceding each biennial session of the legislature, in duplicate form, a carefully itemized statement of the needs of the institutions under the direction of the above boards for the biennial period.

§ 2. CONTENTS OF STATEMENTS.] (a) The statements shall show estimated receipts from all sources, and the estimated expenditure for maintenance, not including expenditures for buildings and other permanencies for the biennial period.

(b) The statements shall also show the appropriations necessary for buildings, other permanencies, such maintenance as is needed over and above estimated income, and the specific amounts asked for in the form of appropriations for such purposes.

(c) It is further provided that the legislature shall make no appropriations for purposes not presented in the general requests of the institutions at the time required in section 1.

§ 3. PUBLICATION.] Upon receipt of these statements from the boards enumerated in section 1 of this Act the governor shall immediately have the same printed in one

pamphlet and distributed to members and members-elect of the legislature not later than December 15th.

§ 4. LEGISLATION.] All persons, institutions and educational interests shall so far as possible submit to the state board of education on or before November 15th preceding the assembling of the legislative assembly any desired legislation affecting education or amendments to the existing school laws, which, together with any comments on the same that the board of education may care to make, shall be published, and copies thereof presented to the members of the legislature as hereinbefore provided in section 3 of this Act.

Approved March 11, 1913.

CATTLE AND HORSE THIEVES

CHAPTER 65.

[H. B. No. 408—Batzer.]

CATTLE AND HORSE THIEVES.

AN ACT to Repeal Section 9202 of the Revised Codes of 1905, as Amended by Chapter 43 of the Session Laws of 1907, and Section 9203 of the Revised Codes of 1905.

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

§ 1. REPEAL.] Section 9202 of the Revised Codes of 1905, as amended by Chapter 43 of the Session Laws of the year 1907, and Section 9203 of the Revised Codes of 1905, be, and the same are hereby, repealed.

§ 2. EMERGENCY.] Whereas, the said law above repealed provides for a reward of one hundred dollars to be paid to the person or persons for the arrest and conviction of cattle and horse thieves; and, whereas, there is no appropriation made with which to pay said rewards, and it appearing from the records of the auditor of the state of North Dakota that there are claims in the sum of sixteen hundred dollars on file in his office for the arrest and conviction of cattle and horse thieves, and the legislative assembly of the state of North Dakota having refused and neglected to appropriate money to pay such rewards; therefore, to prevent a further injustice to the people of the state of North Dakota, an emergency exists, and this act shall be in force and take effect from and after its passage and approval.

Approved March 13, 1913.

CHATTEL MORTGAGES

CHAPTER 66.

[H. B. No. 47—Owens.]

RELATING TO CHATTEL MORTGAGES.

AN ACT to Amend and Re-enact Section 6187, Revised Code of 1905, of the State of North Dakota, Relating to Chattel Mortgage.

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

That Section 6187 of the 1905 Revised Code of the state of North Dakota is hereby amended and re-enacted to read as follows:

§ 6187. CHATTEL MORTGAGE, HOW EXECUTED.] A mortgage of personal property must be signed by the mortgagor in the presence of two witnesses who must sign the same as witnesses thereto, or acknowledge the execution of the same before some official qualified to take acknowledgements. And every mortgagee must surrender to the mortgagor at the time of the execution of the mortgage a correct copy of the original mortgage so signed, with witnesses or acknowledgement shown thereon. And the mortgagor must surrender to the mortgagee a receipt which shall be attached to the original mortgage showing that the mortgagee has surrendered to him a copy of such mortgage, and said receipt must accompany the mortgage when presented to the register of deeds and filed therewith. Otherwise said mortgage shall not be filed as a chattel mortgage by the register of deeds.

REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1913.

CHILDREN

CHAPTER 67.

[H. B. No. 373—Putnam.]

CARE OF BLIND CHILDREN.

AN ACT for an Act to Provide for the Care and Maintenance and Instruction of Blind Babies and Children Under School Age.

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

§ 1. Until there shall have been established by law in this state and institution for the care maintenance and instruction of blind children under school age the board of control of state institutions shall have power to provide for such care, maintenance and instruction of such children residing in this state in a suitable institution inside or without the state, in any case where by reason of lack of means or other cause, the parent or parents of such children may be unable to properly care for, maintain and instruct them until they reach school age.

§ 2. For the purpose of providing such care maintenance and instruction, the said board of control shall have power to contract with any suitable institution for the care, maintenance and instruction of such children and to provide for their transportation to and from the same.

§ 3. EMERGENCY.] Whereas an emergency exists in that there is now no law in this state covering the matter herein provided for, this act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1913.

CHAPTER 68.

[H. B. No. 341—O'Connor.]

DEPENDENT AND NEGLECTED CHILDREN.

AN ACT to Amend Section 8 of Chapter 177, Session Laws of 1911, Relating to Dependent and Neglected Children.

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

§ 1. That Section 8 of Chapter 177 of the Session Laws of 1911 be amended so as to read as follows:

§ 8. DEPENDENT AND NEGLECTED CHILDREN.] If the court

shall find any child under the age of eighteen to be dependent or neglected within the meaning of this act the court may allow such child to remain in its own home subject to the friendly visitation of a juvenile officer, or to report to the court or juvenile officer from its home or school at such times as the court may require. And if the parent, parents, guardian, or custodian of such child are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate, correct or discipline such child, and that it is for the interest of such child and of the people of this state that such child be taken from the custody of its parents, custodian or guardian the court may make an order appointing as guardian of the person of such child some reputable citizen of good moral character and order such guardian to place such child in some family home, or other suitable place, which such guardian may provide for such child, or the court may enter an order committing such child to some suitable institution organized for the care of dependent or neglected children, or to some training school or industrial school, or the reform school of the State of North Dakota, or children's home finding society, or to some association embracing in its object the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided.

Approved March 15, 1913.

CIGARETTES

CHAPTER 69.

[H. B. No. 67—Northrop.]

PROHIBITING SALE OF CIGARETTES.

AN ACT Prohibiting the Sale, Manufacture, Bartering or Giving Away of any Cigarettes or Cigarette Papers, and Providing a Penalty for The Violation Thereof.

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

§ 1. MANUFACTURE, SALE, AND GIVING AWAY OF CIGARETTES, CIGARETTE PAPER, PROHIBITED.] That it shall be unlawful for any person, by himself, clerk, servant, employee, or agent, directly or indirectly, upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose of, or give

away, or keep for sale any cigarettes, cigarette paper or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco for smoking.

§ 2. Any person violating any of the provisions of this act shall be punishable by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for a period of not more than thirty days, or by both such fine and imprisonment.

Approved February 26, 1913.

CITIES

CHAPTER 70.

[H. B. No. 71—Williams.]

REJECTION OF BIDS.

AN ACT Entitled "An Act to Amend and Re-enact Section 2783 of the Revised Codes of the State of North Dakota of 1905, as Amended by Chapter 46 of the Laws of North Dakota for 1907, Relating to Cities."

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

§ 1. AMENDMENT.] That Section 2783 of the Revised Codes of the State of North Dakota of 1905 as amended by Chapter 46 of the Laws of North Dakota for 1907 be and the same is hereby amended and re-enacted to read as follows:

§2783. COUNCIL OR COMMISSION MAY REJECT BIDS AND HAVE WORK PERFORMED BY THE CITY.] The city council or city commission shall have the right to reject any and all bids for work to be done under this Article, if, in its opinion, the interests of the city will be best subserved by so doing, and such work may be performed directly by the city by the employment of labor and purchase of material, or in any other manner in which the city council or city commission may deem proper in each particular case, and payment for the construction thereof may be provided for by special assessment in the same manner as if said work had been performed by contract, or the city council, or the city commission may re-advertise for other bids, but if such bids are not rejected the contract shall then be awarded to the responsible bidder, whose bid is the lowest, upon the basis of cash payment therefor, providing said bidder shall have

complied with the foregoing requirement; *provided*, further, that in case the contemplated improvements consist of paving or re-paving the city council or city commission may, after opening and considering the bids, by resolution, determine the kind or kinds of pavement to be laid, and may then proceed to award a contract or contracts therefor; *provided*, that the city council or city commission shall, before adopting or rejecting any bids require the city engineer, or may employ a competent engineer, to make a careful and detailed statement of the estimated cost of such work.

Approved March 14, 1913.

CHAPTER 71.

[H. B. No. 172—Twichell.]

CITY BONDS FOR AUDITORIUM, GYMNASIUM, PLAY GROUNDS, PUBLIC BATHS, ETC.

AN ACT Authorizing Cities to Incur Indebtedness and Issue Bonds for Certain City Purposes, When Such Proposition for Issuing Such Bonds Shall Have Been Approved by a Majority Vote of the Electors of Such City, and Fixing a Limit to the Indebtedness to be Thereby Incurred.

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

§ 1. BONDED INDEBTEDNESS, PURPOSES FOR WHICH INCURRED.] The board of city commissioners or the city council of any city shall have the power to submit to a vote of the electors at any general or special election propositions for the issuing of bonds for the erection of a municipal auditorium, armory, the erection of a joint auditorium and armory, public play grounds, a public gymnasium, public baths, or other public places of amusements or entertainment, and for the purchase of suitable sites for such erection or purpose; and in case a majority of the electors voting on any such proposition vote for the same at any regular election, or at any special election called for that purpose it shall be the duty of the board of city commissioners, or of the city council and mayor of any city, forthwith to issue such bonds and proceed to carry out such proposition so submitted.

§ 2. BONDED INDEBTEDNESS LIMIT.] Bonds for such purposes shall not be voted or issued in a sum which shall increase the indebtedness of such city to an amount exceeding five per cent of the assessed valuation of the taxable property therein, as determined by the last preceding city

assessment, except when by a two-thirds vote at a general or special election such city has voted, or at the election authorizing such bond issue, votes by a two-thirds vote, to increase such indebtedness three per centum on such assessed value beyond said five per cent limit. Such limitation shall, however, in no manner affect the right of any city when authorized by a majority vote at any general or special election to become indebted in an amount not exceeding four per cent of such value without regard for the existing indebtedness of such city, for the purpose of constructing or purchasing water works for the purpose of furnishing the water supply to the inhabitants of such city, or for the purpose of constructing sewers, as now by law provided, nor shall bonds so issued for the purpose of constructing or purchasing water works for the purpose of furnishing a water supply to the inhabitants of said city, or for the purpose of constructing sewers be considered or included in determining the debt limit of any city in the matter of issuing bonds for any of the purposes hereinbefore provided.

§ 3. BONDS PAID, HOW.] No bonds issued under the provisions of this act shall be sold for less than their par value, and the city issuing such bonds shall, at or before the time of issuing the same or incurring the indebtedness for which the same are to be issued, provide for the collection of a direct annual tax sufficient to pay the interest on such debt or such bond when it falls due, and to pay and discharge the principal thereof when the same becomes due, and such provision for the collection of such annual tax shall be ir-repealable until such debt is paid; *provided*, further, that none of the hereinbefore mentioned bonds shall be issued unless at an election after twenty days' notice in a newspaper published in the city, stating the purpose for which said bonds are to be issued and the amount thereof, the legal voters of the city shall, by a majority vote, determine in favor of issuing such bonds; *provided*, further that no bonds issued under the provisions of this act shall be issued for a longer period than twenty years.

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is now no provision of law for cities issuing bonds for certain purposes above set forth, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 72.

[H. B. No. 92—Twichell.]

COMMISSION FORM OF GOVERNMENT FOR CITIES.

AN ACT to Amend Section 1 of Chapter 77 of the Laws of 1911 of the State of North Dakota, Entitled, "An Act to Provide for a Commission System of Government in Cities Which Shall Adopt the Provisions of this Act."

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

§ 1. AMENDMENT.] Section 1 of Chapter 77 of the Laws of 1911, of the State of North Dakota, is hereby amended to read as follows:

§ 1. CITIES INCORPORATED, HOW.] Any city in this state and any incorporated town or village therein having a population of not less than five hundred inhabitants may become incorporated, under this chapter, as a city, in the manner following:

Whenever one-tenth of the legal voters of such city, or one-tenth of the legal voters of such incorporated town or village, voting at the last preceding general election, shall petition the mayor and council of such city, or the president and trustees of such incorporated town or village to submit the question as to whether such city, incorporated town or village shall become incorporated under this chapter, to a vote of the electors in such city, town or village it shall be the duty of such mayor and council in such city, or the president and trustees of such incorporated town or village, to forthwith submit such question accordingly, and to appoint a time and place or places at which such vote may be taken, and to designate the persons who shall act as judges and clerks at such election; but such question shall not be submitted hereafter oftener than once in four years.

Provided, that cities, towns or villages in this state which have heretofore voted upon and rejected the commission system of government shall not again vote upon the question within a period of three years after such rejection.

§ 2. EMERGENCY.] Whereas, an emergency exists in the fact that the operation of this act will be required before July 1st, A. D. 1913, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 73.

[H. B. No. No. 355—Dean.]

NON-PARTISAN ELECTIONS.

AN ACT to Provide for the Non-Partisan Nomination and Election of Municipal Officers.

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

§ 1. NO PARTY BALLOT.] In all petitions to be filed by or in behalf of candidates for nomination to a public office in any incorporated city, town or village in this state, no reference shall be made to a party ballot or to the party affiliation of such candidates; *provided*, however, it shall be allowed any such candidate to state, or have stated, in all such petitions, after his name, in not more than twenty words, any particular principle, or principles of local administrative policy or policies he stands for and seeks election to promote.

§ 2. NOMINATIONS, HOW MADE.] A candidate for any public office in an incorporated city, town or village may be nominated by filing with the city auditor, at least twenty days prior to the holding of the election, a petition signed by not less than ten per cent of the qualified electors residing within the ward or precinct in and for which such officer or officers are to be elected, *provided*, however, that in cities operating under the commission plan the required petition may be signed by the electors at large residing within such city, and provided further that in no case shall more than three hundred signatures be required, and such signatures may be on separate sheets of paper. No elector shall sign more than one petition for the same office. Each signer of such petition shall add to his name his postoffice address, giving the street and number of his residence. It shall be the duty of the auditor or clerk of such city, town or village, as the case may be, to place only the names of the person or persons so nominated upon the ballot, with the statement after or opposite the name of the candidate, of the principle or principles which he seeks to promote, in not more than twenty words and as stated in the petition or petitions filed by or on behalf of such candidate, and in such manner as to readily inform the voter of the policy or policies upon which such candidate seeks election; and to arrange the offices upon the ballot in the order in which they are named in the statutes. The arrangement of the names of the candidates upon the ballot shall be determined by the lot by such auditor or clerk in the presence of the candidates or their representatives at noon on the day following the last day for the filing of nomination papers.

§ 3. REPEAL.] All Acts or parts of Acts, in so far as the same conflict herewith, are hereby repealed.

Approved March 12, 1913.

CHAPTER 74.

[S. B. No. 241—Overson.]

IMPROVEMENT DISTRICTS.

AN ACT to Amend Sections 2772, 2775, 2776, 2777 and 2780, Revised Codes of 1905, as Amended by Chapter 70 of the Laws of North Dakota, A. D. 1911, Relating to the Creation of Improvement Districts and the Purpose for Which Special Assessments May Be Levied in This State.

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

§ 1. AMENDMENT.] Section 2772 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 2772. TO CREATE IMPROVEMENT DISTRICTS.] Any city shall have power to create sewer, paving and water main districts and water works districts, for the purpose of constructing a water works system, including the construction and erection of a pumping station, settling basins, filtration plant, stand pipes and water towers, reservoirs and other contrivances and structures necessary for a complete water works system, and for the purpose of laying, extending, improving, enlarging, relaying or replacing water mains and districts, for the purpose of grading, graveling, curbing, planting trees, constructing grass plots, sowing grass seed, constructing gutters, or for the purpose of making any one or more of the improvements herein mentioned and maintaining the same within the limits of such city, which districts shall be consecutively numbered.

§ 2. AMENDMENT.] Section 2775 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 2775. Such water main districts and water works districts for the purpose of constructing a water works system, including the construction and erection of a pumping station, settling basin, filtration plant, stand pipes and water towers, reservoirs and other contrivances and structures necessary for a complete water works system and for the purpose of laying, extending, improving, enlarging, relaying or replacing water mains and districts for the purpose of grading, graveling, curbing, planting trees, constructing grass plots, sowing grass seed and constructing gutters, shall be of such size and number as the city council, after consultation with the city engineer, shall decide most practicable.

§ 3. AMENDMENT.] Section 2776 of the Revised Codes of 1905 is hereby amend to read as follows:

§ 2776. POWER TO MAKE IMPROVEMENTS.] All cities shall have power to grade, curb, pave, repave, gravel, macadamize or gutter any street, highway, avenue, alley or public place in such city, and to plant trees, construct grass plots or to sow grass seed thereon, and to maintain and preserve any one or more of such improvements by causing such trees or grass to be watered, the grass cut and trees trimmed, or otherwise maintaining and preserving the same, as the city council shall deem suitable and proper, and any city shall have power to create sewer, paving and water main districts and water works districts for the purpose of constructing a water works system, including the construction and erection of a pumping station, settling basins, filtration plant, stand pipes and water towers, reservoirs and other contrivances and structures necessary for a complete water works system, and for the purpose of laying, extending, improving, enlarging, relaying or replacing water mains and districts, and to defray the expense of all such work as hereinafter provided.

§ 4. AMENDMENT.] Section 2777 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 2777. PLANS, SPECIFICATIONS AND ESTIMATES.] When the city council shall deem it necessary to construct or alter any sewer or to open, widen, extend, grade, curb, pave, repave, gravel, macadamize or gutter any street, highway, avenue, alley, lane or other public ground within the city limits or to plant trees, construct grass plots, or sow grass seed thereon or to construct a water works system, including the construction and erection of pumping stations, settling basins, filtration plants, stand pipes, water towers, reservoirs and other contrivances and structures necessary for a complete water works system, the city council shall direct the city engineer, or in case the city has no competent city engineer, shall employ a competent engineer, to prepare plans and specifications for such work, including the grading of the street if not already established, if such grade is deemed necessary by such engineer, and all details of the work to be done, and make an estimate of its probable cost, which plans, specifications and estimates shall be approved by resolution of the city council, which approval shall be deemed to establish the grade of the street as shown in such plans and specifications, if the grade of the street has not previously been established by ordinance, providing such grade has been included in such plans and specifications. In case the improvement shall consist in paving or repaving any street, alley or

public place, the city council may require such plans, specifications and estimates to be made of such different kinds of pavement as they may deem advisable. In case the improvement shall consist of planting trees, constructing grass plots, sowing grass seed thereon, or otherwise parking or beautifying any of the streets, highways, avenues, alleys, lanes or other public grounds within the city limits, the said city may require plans, specifications and estimates to be made of the probable cost of making, constructing or maintaining such improvements or any of them. Such plans, specifications and estimates shall be the property of the city and be filed in the office of the city auditor and remain on file in his office subject to inspection of all persons. The city engineer shall retain a copy of such plans, specifications and estimates, and file the same in his office, and shall furnish to any person applying therefor copies of the same, and may charge and receive for such copies at the rate of one dollar an hour for the time necessarily employed in making the same.

§ 5. AMENDMENT.] Section 2786 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 5. AMENDMENT.] Section 2786 of the Revised Codes special assessments levied under the provisions of this Article shall constitute a fund for the payment of the cost of the improvement for the payment of which they are levied, and shall be diverted to no other purpose, and those for the payment of sewer improvement shall be designated respectively. "Sewer District No. Fund," and such funds shall be numbered according to the number of the sewer district in which it is raised. Those collected for paving improvements shall be designated as "Paving District No. Fund," and such fund shall be numbered according to the paving district in which it is raised; and those levied for the payment of water mains shall be known as "Water Main District No. Fund." and such fund shall be numbered according to the number of the water main district in which it is raised, those levied for water works improvements shall be designated as "Water Works District No. Fund," and such fund shall be numbered according to the number of the water works district; and those levied for the payment of grading, curbing, graveling, macadamizing or guttering of any street, highway, alley, lane or public place in such city, or of planting trees, constructing grass plots or sowing grass seed thereon, or of maintaining and preserving any one or more of such improvements, shall be known as "Improvement District No. Fund," and such fund shall be numbered according to the number of the improvement district in which

it is raised; and in anticipation of the levy and collection of such special assessments, the city may, at any time after the making of a contract for any such improvements, issue warrants, on such funds, payable at specified times, and in such amounts as, in the judgment of the city council, the taxes and assessments will provide for, which warrants shall bear interest at the rate of not to exceed seven per cent per annum, payable annually, and may have coupons attached representing each year's interest, provided that special assessments levied for maintaining grass plots or trees, parking or other improvements for the beautifying of the city streets, shall be payable in a single amount. Such warrants shall state upon their face for what purpose they are issued, and the fund from which they are payable, and shall be signed by the mayor and countersigned by the city auditor, under the seal of the city, and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payments on contracts for making such improvements or may be sold for cash, at not less than the par value thereof, and the proceeds thereof credited to such fund, and used for paying such improvements. It shall be the duty of the city treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the district funds on which they are drawn, and to cancel the same when paid.

§ 6. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 75.

[H. B. No. 180—Twichell.]

CITY COUNCILS.

AN ACT to Amend Article 4, Chapter 30, of the Political Code of North Dakota, being Section 2678 of the Revised Codes of North Dakota of 1905, Relating to Powers of City Councils.

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

§ 1. That sub-division 75 of Article 4, of Chapter 30 of the Political Code of North Dakota, being sub-division 75 of Section 2678 of the Revised Codes of North Dakota of 1905, be and the same is hereby amended to read as follows:

75. To purchase, erect, lease, rent, manage and main-

tain any system or part of system of water works, street sprinklers, hydrants and supply of water, fire and police signals, telephones and telephone lines, fire apparatus that may be of use in the prevention and extinguishment of fires, electric light and power plants or gas works, and to supply the same for municipal and commercial purposes, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or erected.

§ 2. All laws or parts of laws in conflict herewith are repealed.

Approved March 14, 1913.

CHAPTER 76.

[H. B. No. 218—Williams.]

CITY OFFICERS.

AN ACT Amending Section 2693 of the Revised Codes of 1905, Relating to Cities.

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

§ 1. AMENDMENT.] That Section 2693 of the Revised Codes of 1905 be amended so as to read as follows:

§ 2693. QUALIFICATIONS OF OFFICERS.] No person shall be eligible to election to any office who is not a qualified elector of the city, and who shall not have resided there at least nine months last preceding election, and no person shall be eligible to hold any office by appointment unless he is a citizen of the United States; nor shall any person be eligible to any office who is a defaulter to the corporation.

Approved March 14, 1913.

CHAPTER 77.

[H. B. No. 375—Owens.]

CITY ORDINANCES.

AN ACT to Amend Section 2657 of the Revised Codes of 1905, with Respect to the Revision and Adoption of Ordinances by Cities.

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

§ 1. AMENDMENT.] Section 2657 of the Revised Codes for 1905 of the State of North Dakota, be and the same is hereby amended to read as follows:

§ 2657. ORDINANCES REVISED AND PASSED. How.] He may appoint by and with the advice and consent of the city council one or more competent persons to prepare and submit to the city council for its adoption or rejection, an ordinance for the revision of the enactment of new and additional ordinances and the amendment of existing ordinances of such city for the government thereof. The city attorney shall be appointed as one of the persons to prepare and submit such ordinances so revised, added to and amended, and the compensation of such revisor or revisors, including the city attorney, shall be determined and fixed by the city council and paid out of the city treasury. Such revision, additional ordinances and amendments may be passed as a single ordinance, and be published in pamphlet or book form, by and under the authority of the city council and shall be valid and effective without publication in a newspaper.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 78.

[H. B. No. 481—Williams.]

COMMISSION SYSTEM.

AN ACT to Amend Section 16 of Chapter 77 of the Laws of 1911, Entitled "Commission System of Government."

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

§ 1. That Section 16 of Chapter 77 of the Laws of 1911 be amended to read as follows:

§ 16. TERMS OF OFFICE.] Each of said four commissioners and the president of the board shall hold office for four years from and after the date of his qualification and until his successor shall have been duly elected and qualified, except in the first board the two commissioners who received the highest number of votes shall hold four years, the two receiving the next highest for two years; *provided*, that the president or any other member of the commission may resign their office by filing with the city auditor their resignation in writing, which the city auditor shall lay before the city commission at its next regular meeting, or at a special

meeting called for the consideration of such resignation, and when such resignation is accepted by the city commission it shall become effective.

Approved March 14, 1913.

CHAPTER 79.

[H. B. No. 476—Blakemore.]

RECALL CITY OFFICERS.

AN ACT to Provide for a Means of Removal of Elective Officers by the Will of the People and for the Political Reserve Powers of Electors to be Used Through the Initiative and Referendum in City Matters, and the Form of Petitions Applicable to Cities Which Have Adopted or May Hereafter Adopt the Commission System of Government; also to Prescribe the Manner by Which a City, Having Adopted the Commission System of Government, May Return to the Former System.

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

§ 1. RECALL.] The holder of any elective office in cities which may adopt or have adopted the commission plan of government under any of the laws of this state applicable thereto may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty per centum of the entire vote for all candidates for the office of president of the city commission cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city auditor, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city auditor shall examine, and from the voter's register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the board of city

commissioners shall allow extra help for that purpose, and he shall attach to said petition his certificate, showing the result of said examination. If by the auditor's certificate the petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The auditor shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition of the same effect. If the petition shall be deemed to be sufficient, the auditor shall submit the same to the board of city commissioners without delay. If the petition shall be found to be sufficient, the board of city commissioners shall order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the auditor's certificate to the board of city commissioners, that a sufficient petition is filed. The board of city commissioners shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. This said method of removal shall be cumulative and additional to the methods heretofore provided by law.

§ 2. INITIATIVE.] Any proposed ordinance may be submitted to the board of city commissioners by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petition under Section one (1) hereof. If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the votes

cast for all candidates for president of the city commission at the last preceding general municipal election and contains a request that the said ordinance be submitted to a vote of the people if not passed by the board of city commissioners, such board of city commissioners shall either

(a) Pass said ordinance, without alteration, within twenty days after attachment of the auditor's certificate to the accompanying petition, or,

(b) Forthwith, after the auditor shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of city commissioners shall call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city. But if the petition is signed by not less than twenty-five per centum of the electors, as above defined, then the board of city commissioners shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than thirty days after the auditor's certificate of sufficiency is attached to said petition. The ballots used when voting upon said ordinance shall contain these words: "For the ordinance (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition and which shall be adopted by vote of the people, cannot be repealed or amended except by a vote of the people as long as the city is under the commission form of government.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this Section, but there shall not be more than one special election in any period of six months for such purposes.

The board of city commissioners may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be thereby repealed or amended accordingly. Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the city at any election, the city auditor shall cause such ordinance or proposition to be published once in each of the daily newspapers published in said city; such publication to be

not more than twenty or less than five days before the submission of such proposition or ordinance to be voted on.

§ 3. REFERENDUM.] No ordinance passed by the board of city commissioners, except when otherwise required by the general laws of the state or by the provisions of this Act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the board of city commissioners, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least ten per centum of the entire votes cast for all candidates for president of the city commission at the last preceding general municipal election at which a president of the city commission was elected, protesting against the passage of such ordinance, to be presented to the board of city commissioners, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board of city commissioners to reconsider such ordinance, and if the same is not entirely repealed, the board of city commissioners shall submit the ordinance as is provided by sub-section (b) of Section two of this Act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section two, except as to the percentage of signers, and be examined and certified to by the auditor in all respects as therein provided.

§ 4. FORM OF PETITION.] Petitions provided for in this Act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

§ 5. RETURN TO FORMER SYSTEM.] Any city which shall have operated for more than six years under the provisions of this Act may abandon such organization hereunder, and accept the provisions of the general law of the state then applicable to cities of its population, or if now organized under special charter, may resume said special charter by proceeding as follows:

Upon petition of not less than forty per centum of the

electors of such city a special election shall be called at which the following propositions only shall be submitted: "Shall the city (name of city) abandon its organization under the commission system and become a city under the general law governing cities of like population?" If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next biennial election shall be those then prescribed by the general law of the state for cities of like population and upon the qualification of such officers such city shall become a city under such general law of the state; but such change shall not in any manner or degree affect the property, rights or liabilities of any nature of such city, but shall merely extend to such change in its form of government.

The sufficiency of such petition shall be determined, the election ordered and conducted, and the result declared generally as provided by Section one of this Act in so far as the provisions thereof are applicable.

§ 6. EMERGENCY.] Whereas, an emergency exists in that a doubt exists of there being any law governing said recall commission form of government, therefore this Act shall be in force from and after date of its passage and approval.

Approved March 12, 1913.

CHAPTER 80.

[H. B. No. 392—Twichell.]

COMMISSION SYSTEM GOVERNMENT, IN CITIES.

AN ACT to Amend Sections 20 and 38 of Chapter 77 of the Laws of 1911, Entitled "An Act to Provide for a Commission System of Government in Cities Which Shall Adopt the Provisions of This Act."

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

§ 1. AMENDMENT.] Section 20 is hereby amended to read as follows:

§ 20. STYLE OF COMMISSION. SALARY.] Said commissioners shall collectively constitute and be known as the "board of commissioners of the city of....." They shall take an oath to faithfully perform the duties of their respective offices. The salary of the city commissioner shall be determined by the number of inhabitants found to be therein by the state or federal census last taken. In cities having a population of over five hundred and not exceeding two thousand, each commissioner shall receive

a monthly salary of not to exceed ten dollars; in cities having a population of over two thousand and not exceeding four thousand, each commissioner shall receive a monthly salary of not to exceed twenty dollars; in cities having a population of over four thousand not not exceeding six thousand, each commissioner shall receive a monthly salary of not to exceed forty dollars; in cities having a population of over six thousand and not exceeding eight thousand, each commissioner shall receive a monthly salary of not to exceed fifty dollars; in cities having a population of over eight thousand and not exceeding twelve thousand, each commissioner shall receive a monthly salary of not to exceed seventy-five dollars; in cities having a population of over twelve thousand, each commissioner shall receive a monthly salary of not to exceed one hundred dollars.

§ 2. Section 38 is hereby amended to read as follows:

§ 38. AMENDMENT. REMOVAL FROM OFFICE.] Every person appointed to any office may be removed therefrom by a majority of votes of all the members of the board of city commissioners, but no such officer shall be removed except for cause nor unless charges are preferred against him and an opportunity given him to be heard in his defense. The board of city commissioners may compel the attendance of witnesses and the production of papers when necessary for the purpose of such hearing, and shall proceed within ten days after the charges are filed with the city auditor to hear and determine the case upon its merits. The president of the board of city commissioners may suspend any officer against whom charges have been preferred until the disposition of the same, and appoint any officer to fill the vacancy temporarily until the charges have been disposed of. Any officer appointed by the president of the board of city commissioners without confirmation under the provisions of this chapter may be removed by him when he deems it for the best interests of the city.

§ 3. EMERGENCY.] An emergency is hereby declared to exist, in the fact that the operation of this Act will be required before July 1st, A. D., 1913; therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1913.

CHAPTER 81.

[H. B. No. 198—Twichell.]

PROVIDING FOR CITY SCALES.

AN ACT to Amend Article 4, Chapter 30, of the Political Code of North Dakota, Being Section 2678 of the Revised Codes of North Dakota of 1905, Relating to Powers of City Council, as Amended by Chapter 79 of the Session Laws of 1911.

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

§ 1. That subdivision 39 of Article 4 of Chapter 30 of the Political Code of North Dakota, being subdivision 39 of Section 2678 of the Revised Codes of North Dakota of 1905, as amended by Chapter 79 of the Session Laws of 1911, be, and the same is hereby, amended to read as follows:

39. To regulate the inspecting, weighing, and measuring of lumber, firewood, coal, hay and other articles of merchandise, to establish or purchase one or more city scales, and to require dealers in hay, coal, firewood or any other commodity which in the judgment of the city council should be weighed upon the city scales, to use such scales in the sale of such commodity, and such city is authorized to charge a reasonable fee therefor.

2. EMERGENCY.] Whereas, the provision of law is inadequate in relation to the subject matter of the foregoing amendment, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 82.

[H. B. No. 374—Owens.]

SIDEWALK ASSESSMENTS.

AN ACT to Amend Section 2770 of the Revised Codes of 1905, Amended by Chapter 46 of the Laws of North Dakota, A. D. 1907, Relating to Sidewalk Special Assessment Funds.

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

§ 1. AMENDMENT.] That Section 2770 of the Revised Codes of the State of North Dakota for the year 1905, be amended and re-enacted to read as follows:

§ 2770. SIDEWALK SPECIAL ASSESSMENT FUND.] All moneys collected from special assessments for building or repair-

ing sidewalks shall be kept in a fund to be called "sidewalk special fund" and warrants shall be drawn on such fund for the payment of the costs of building and repairing all sidewalks, and the city shall in no case be liable on any contract for the building or repairing of sidewalks in any sum whatsoever, to be paid by moneys raised by general taxation.

All such sidewalks special assessment warrants shall be payable as specified and in such amounts as in the judgment of the city council the taxes and assessments will provide for, which said warrants shall bear interest at the rate of not to exceed seven per cent, per annum, payable annually, and may have coupons attached representing each year's interest. Such warrants shall state upon their faces for what purpose they are issued and the further fact from which fund they are payable and shall be signed by the mayor and countersigned by the city auditor under the seal of the city and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payment on contracts for making such improvements or be sold for cash at not less than par value thereof and the proceeds thereof credited to such fund, and used for paying such improvements. It shall be the duty of the city treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the sidewalk special assessment fund, and to cancel the same when paid.

§ 2. AMENDMENT.] Section 2770a. In all cases where snow and ice are not removed from sidewalks within the time and in the manner that is now and hereinafter may be provided by the ordinances of any city, the same may be removed by or under the direction of the street commissioner, and, the necessary expense thereof shall be chargeable against the abutting property. On or before May 1st in each year the street commissioner shall make and file in the office of the city auditor a list of the property chargeable and assessed against each lot and tract separately, and stating the owner's name, so far as known to him. The city auditor shall give notice by publication in the official newspaper of the hearing and confirmation of such report and assessment at the regular June council meeting, notifying all persons objecting thereto to appear and present their objections, such notice to be published twice, once in each week for two consecutive weeks, the last publication to be not less than eight days before the time fixed for the hearing. At the June council meeting or at such later meeting as the hearing, and confirmation of such assessment may be adjourned to, the council shall take up and

consider said assessment and shall hear any objection thereto or to any part thereof, and after revising and correcting the same, if necessary so to do, shall approve and confirm the same. The city auditor shall thereupon attach to such list his certificate that the same is correct as confirmed by the city council and shall thereupon file such assessment list in his office; and such assessment, with interest and penalties thereon, shall be and remain a permanent lien upon the property upon which such assessment is levied, from the time such assessment list is approved by the city council, and shall remain a lien thereupon until fully paid, and shall have precedence over all other liens except ordinary taxes to which it shall be subject, and such lien shall not be divested by any judicial sale, and no mistake in the description of the property or in the name of the owner shall obviate such lien, *provided* the property assessed can be identified by the description in such assessment list. Such assessment shall be certified to the county auditor by the city auditor at the same time and in the same manner that sidewalk assessments are certified by him under the provisions of Section 2804 Revised Codes of 1905.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 83.

[H. B. No. 197—Twichell.]

PROVIDING FOR MUNICIPAL SLAUGHTER HOUSES.

AN ACT to Amend Article 4, Chapter 30, of the Political Code of North Dakota, Being Section 2678 of the Revised Codes of North Dakota for 1905, Relating to Powers of City Councils.

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

§ 1. That subdivision 35 of Article 4 of Chapter 30 of the Political Code of North Dakota, being subdivision 35 of Section 2678 of the Revised Codes of North Dakota for 1905, be, and the same is hereby amended to read as follows:

§ 35. To establish, purchase, erect, lease, rent, manage and maintain markets and market houses, municipal

slaughter houses or abbatoirs, and to provide for the regulation and use of.

§ 2. EMERGENCY.] Whereas, the provision of law in relation to the subject matter of the foregoing amendment is inadequate, an emergency exists, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1913.

CHAPTER 84.

[H. B. No. 432—Fritz.]

SPECIAL ASSESSMENTS.

AN ACT to Amend and Re-enact Sections 2792, 2793 and 2804 of the Revised Codes of North Dakota for 1905, Relating to Special Assessments for Sewers, Water Mains, Sidewalks and Other Purposes.

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

§ 1. AMENDMENT.] Section 2792 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 2792. SEWER ASSESSMENTS EXTENDED TWENTY (20) YEARS.] The special assessments herein provided for the payment of the cost of constructing any sewer shall be payable in equal annual amounts extending over a period not exceeding twenty (20) years, and shall bear interest at a rate not to exceed seven per cent (7%) per annum on the total amount of such assessments remaining from time to time unpaid; *provided*, however, that in all cities in this state having less than two thousand (2,000) inhabitants, the city council may by ordinance or resolution provide that any such special assessment, which has heretofore or may hereafter be levied, shall be extended over a period of less than twenty (20) years; and the city council is authorized by ordinance or resolution to fix the period over which such assessments shall be extended not exceeding, however, in all twenty (20) years.

§ 2. AMENDMENT.] Section 2793 of the Revised Codes of North Dakota for 1905, is hereby amended and re-enacted to read as follows:

§ 2793. WATER MAIN ASSESSMENTS EXTENDED TEN (10) YEARS.] The special assessments herein provided for the payment of the cost of any water mains, shall be payable in equal annual amounts, extending over a period of not exceeding ten (10) years, and shall bear interest at a rate

not to exceed seven per cent (7%) per annum on the total amount of such assessments remaining from time to time unpaid; *provided*, however, that in all cities having less than two thousand (2,000) inhabitants, the city council may by ordinance or resolution provide that any such special assessment, which has heretofore or may hereafter be levied, shall be extended over a period of less than (10) years; and the city council is authorized by ordinance or resolution to fix the period over which such assessments shall be extended, not exceeding, however, in all ten (10) years.

§ 3. AMENDMENT.] Section 2804 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 2804. AUDITOR SHALL CERTIFY ASSESSMENTS.] The city auditor shall, annually, at the time he certifies to the county auditor the amount of the city taxes to be levied for the current year, also certify to such auditor all sidewalk, and all sidewalk repair assessments, and all assessments for opening or widening streets, remaining in his office uncertified, and shall also certify to such county auditor a list of the lots and tracts of land specially assessed for any other purpose as hereinbefore provided, designating the purpose of such assessment, and the fund to which it belongs, with the proportion of such assessment for such year against each lot, and shall add thereto one per cent (1%) of all such assessments, so certified; and the county auditor shall thereupon extend the same upon the tax list for the current year, and the amount, with all interest and penalties, shall be collected and paid over to the city treasurer in the same manner as other city taxes, and when so paid over shall be credited by the city treasurer and city auditor to the fund for which it was collected; *provided*, however, that in all cities having less than two thousand (2,000) inhabitants, the city council may by resolution direct and authorize the city auditor to certify at one time any and all special assessments of said city for any purpose; and that when so directed by the city council the city auditor shall certify to the county auditor a list of the lots and tracts of land specially assessed for any purpose, designating the purpose of such assessment, and the fund to which it belongs, with the proportion of such assessment for each and every year when such special assessment will become payable in the future, including interest; and said city auditor shall also add to the assessment payable one per cent (1%) of the amount payable on such assessments for each year; such assessments so certified shall be accompanied by a certified copy of the resolution of the city council directing the assessment to be certified in this manner; and when any special

assessment has been certified in the manner last described, then the city auditor shall not be required to certify any installment of such assessment annually, but the county auditor shall each year extend the amount so certified against each tract of land upon the tax list for the year when the same becomes payable according to the certificate of the city auditor, and the amount, with all interest and penalties, shall be collected and paid over to the said city treasurer in the same manner as other city taxes, and when so paid over shall, be credited by the city treasurer and the city auditor to the fund for which it was collected; *provided*, further, that the county auditor shall have in his office a book entitled, "Special Assessment Record," and when any city causes to be certified the special assessments for a period of more than one year, that then the county auditor shall cause said special assessments so certified to be duly recorded in said book for the respective years and amounts shown in the certificate of the city auditor; *provided*, further, that whenever special assessments of any kind whatsoever, hereafter certified to the county auditor by the city auditors of cities incorporated under the general laws of this state or under the commission form of government, shall be paid to the county treasurer, it shall be the duty of the said county treasurer, at the time set by law for the payment to the city treasure of all taxes and special assessments collected by the said county treasurer during the preceding month, to certify the amounts of such special assessments so collected in duplicate, one copy to be certified to the city treasurer, and one copy to be certified to the city auditor; such certificate to state specifically the lot, or known subdivision thereof, as appears upon the tax books of the county treasurer, the block, addition, amount collected and credited to each lot or known subdivision thereof, and the year for which said sum was so collected.

Approved March 14, 1913.

CHAPTER 85.

[H. B. No. 396—Lewis.]

SPECIAL ASSESSMENTS.

AN ACT to Amend Section 2801 of the Revised Codes of North Dakota of 1905, Relating to Special Assessments in Cities.

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

§ 1. That Section 2801 of the Revised Codes of North Dakota of 1905 be and the same is amended so as to read as follows:

§ 2801. SPECIAL ASSESSMENTS HOW MADE. REVIEW.] It shall be the duty of such commission, whenever required under the provisions of this Article to make any special assessment, to personally inspect any and all lots and parcels of land which may be subject to such special assessment and determine from such inspection the particular lots and parcels of land which will in the opinion of such commission, be especially benefited by the construction of the work for which such assessment is to be made and thereupon determine the amount in which each of said lots and parcels of land will be especially benefited by the construction of the work for which such special assessment is to be made, and thereupon determine the amount in which each of said lots and parcels of land will be especilaly benefited by the construction of the work for which such special assessment is to be made, and thereupon assess against such of said lots and parcels of land such sum, not exceeding such benefits, as shall be necessary to pay its just proportion of the total cost of such work, or part thereof as is to be paid by special assessment, including all expenses incurred in making such assessment, and publishing necessary notices with reference thereto, including the per diem of such commission; and such commission shall thereupon make or cause to be made a complete list of such benefits and assessments, setting forth each lot or tract of land assessed, and the amount each lot is benefited by the improvement, and the amount assessed against each, and shall attach to such lists a certificate signed by a majority of the members of such commission, certifying that the same is a true and correct assessment of the property therein described to the best of their judgment, and stating the several items of expense, included in such assessment, and shall thereupon cause the same to be published twice, once in each week for two consecutive weeks in the official newspaper of the city, together with a notice of the time and place when and where such commission will meet to hear objections which may be

made to any such assessment, by any person therein interested, or his agent or attorney, which time shall not be less than fifteen days after the first publication of such notice; and such commission may thereupon alter the same as may in their opinion be just or as may necessary to correct any errors therein, and they may increase or diminish any such assessment as may be just and as is necessary to make the aggregate of all such assessments equal to the total special assessment to be made for the cost of the work for which they are made; *provided*, that no assessment shall exceed the benefits of the parcel of land assessed, as determined by the commission. Such commission shall thereupon confirm such list and attach thereto their further certificate certifying that the same is correct as confirmed by them. Such commission shall thereupon file such assessment list in the city auditor's office. *Provided*, however, that property belonging to the government of the United States shall be exempt from such assessment.

Approved March 14, 1913.

CIVIL TOWNSHIP

CHAPTER 86.

[H. B. No. 6r—Roble.]

GUIDE POSTS.

AN ACT to Amend and Re-enact Section 3187 and to Repeal Sections 3188, 3189, 3190 and 3191 of the Revised Codes of North Dakota for the Year 1905, Relating to Guide Posts.

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

§ 1. AMENDMENT.] Section 3187 of the Revised Codes of North Dakota for the year 1905, is hereby amended and re-enacted to read as follows:

§ 3187. TOWNSHIP TO ERECT GUIDE POSTS.] Each township shall erect and maintain guide posts on the highways and other ways within the township, at such places as are necessary or convenient for the direction of travelers.

§ 2. REPEAL.] Sections 3188, 3189, 3190 and 3191 of the Revised Codes of North Dakota for the year 1905 are hereby repealed.

Approved March 13, 1913.

CHAPTER 87.

[S. B. No. 144—Talcott.]

TOWNSHIP FUNDS.

AN ACT to Amend and Re-enact Section 3147 of the Revised Codes of North Dakota for the Year 1905, Relating to Duties of Township Treasurers and the Method of Drawing Township Funds from the County Treasurer.

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

§ 1. AMENDMENT.] That Section 3147 of the Revised Codes of 1905 be amended and re-enacted to read as follows:

§ 3147. TREASURER TO DRAW MONEYS FROM THE COUNTY.] The township treasurer shall, from time to time, draw from the county treasury such moneys as have been received by the county treasurer for the use of his township and on the receipt of such moneys shall deliver proper vouchers therefor. Each township treasurer shall be allowed and entitled to retain two per cent of all moneys paid out of the township treasury, for receiving, safely keeping, and paying over the same according to law; provided, that the township treasurer shall not be allowed two per cent on the balance turned over to his successor.

Approved March 13, 1913.

CHAPTER 88.

[H. B. No. 434—Hendrickson.]

HIGHWAYS.

AN ACT to Amend and Re-enact Section 1349 of the Revised Codes, Relating to the Jurisdiction of Township Supervisors and County Commissioners in Laying Out Public Highways.

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

§ 1. AMENDMENT.] Section 1349 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 1349. BEFORE WHOM PROCEEDINGS BROUGHT.] In the opening, vacating or changing of a highway outside of the limits of incorporated cities, villages or towns, all proceedings relating thereto to acquire right of way and to all other matters connected therewith shall be under the charge and in the name:

1. Of the board of county commissioners, if the county is without a civil township organization, or if the road is in territory not organized into a civil township.

2. Of the board of township supervisors of organized townships.

3. Of the board of county commissioners of each county in case the road is between or in two or more counties.

4. Of the board of township supervisors of each organized civil township in which any part of the road is situated if the road is situated between two civil townships or in more than one civil township.

5. Of the board of township supervisors of each organized township and of the board of county commissioners in case the road is situated partly in an organized township and partly in an unorganized township.

6. Of the board of county commissioners in any case arising under subdivision four where the board of township supervisors of the respective civil township cannot agree or will not take action on petition so to do.

§ 2. EMERGENCY.] Whereas, there are many roads which the public convenience requires should be laid out, situated between two or more civil townships, and the existing provisions of law are inadequate to meet questions arising in the laying out and establishing of the same; therefore an emergency is declared to exist, and this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 89.

[H. B. No. 442—Watt.]

DEPOSITING TOWNSHIP MONEYS.

AN ACT to Prohibit Township Treasurers from Depositing Township Moneys in Their Own Name.

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

§ 1. It shall be unlawful for any township treasurer to deposit any moneys belonging to the township in any bank, savings banks, trust company, or other fiduciary institution, in his own name. All such moneys shall be deposited in the name of the township, and any interest on such moneys shall be credited to and accrue to the township fund.

§ 2. PENALTY.] Any person violating the provision of this Act shall be guilty of a misdemeanor.

Approved March 11, 1913.

CHAPTER 90.

[H. B. No. 50—Dean.]

TOWNSHIP OFFICERS.

AN ACT to Amend Chapter 306 of the Session Laws of 1911, Relating to the Election and Appointment of Township Officers and Their Terms of Office, and to Repeal Section 3111 of the Revised Codes of 1905.

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

§ 1. AMENDMENT.] That Chapter 306 of the Session Laws of 1911 be amended and re-enacted to read as follows:

Chapter 306. There shall be elected at the annual township meeting in each township one supervisor for a term of three years; one township clerk, one assessor, one treasurer, two justices of the peace, and two constables shall be elected once in two years, except to fill vacancies.

In the event that the county commissioners have not at their regular meeting after April 1st appointed a county superintendent of highways, then the board of supervisors shall appoint one overseer of highways for each township, which shall hold his office during the pleasure of the board.

At the first annual township meeting in each township after the taking effect of this Article, there shall be elected at large for each township, three supervisors, one to serve until the first annual township meeting, one to serve until

the second annual township meeting and one to serve until the third annual township meeting thereafter; *provided*, that the provisions hereof shall not affect the terms of supervisors elected prior to the taking effect of this Act.

The board of supervisors at the first regular meeting shall elect one of their members as chairman to serve for a period of one year.

§ 2. A REPEAL.] That Section 3111 of the Revised Codes of 1905 shall be, and the same is hereby, repealed.

Approved March 13. 1913.

CHAPTER 91.

[H. B. No. 105—F. W. Turner]

ORGANIZATION OF CIVIL TOWNSHIPS.

AN ACT to Amend Section 3048 of the Revised Codes of North Dakota for 1905, Relating to the Organization of Townships.

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

§ 1. Section 3048 of the Revised Codes for 1905 is hereby amended and re-enacted to read as follows:

§ 3048. FRAGMENT OF TOWNSHIP ATTACHED TO ADJOINING TOWNSHIP.] A fraction of a township may be attached by such board to an adjoining township or be divided between two or more townships or organized separately, according to the wishes of a majority of the legal voters to be affected thereby; and when rivers, lakes or creeks so divide a township as to make it inconvenient to do township business, such board may dispose of any fraction so formed by annexing the same to an adjoining township in the same county if it shall seem to it proper, whenever petitioned to do so by not less than two-thirds of the legal voters residing in such fraction, and the fact that any such petition is signed by two-thirds of such voters may be proved by the affidavit of any legal voter residing in such fraction having knowledge of the fact; and townships having two or more villages or cities, each containing two hundred or more inhabitants, may petition the board of county commissioners for division; and whenever the board is so petitioned, it may, if it thinks the interest of such township will be subserved thereby, divide such townships in such manner as will best suit the convenience of the territory, and the board of county commissioners of any county

lying west of the Missouri river may unite not less than two congressional townships into one civil township, or may add not more than three congressional townships to any congressional township already organized as a civil township, when petitioned by a majority of the legal voters affected thereby, if in the opinion of the board the best interests of such townships will be subserved thereby; *provided*, that at least twenty days' notice shall be given by the board of county commissioners to the chairman of the board of supervisors of each township affected by the change, before action is taken thereon; *provided*, further, that nothing herein contained shall be construed to release any property in or belonging to that part of any township so detached, from any tax levied or assessed prior to such division being made; *provided*, also, that the portion of any township annexed to any other township, and any village or city separated from any township, under the provisions of this article, shall not be released from nor in any way discharged from the payment of any bonded or other indebtedness that may exist against the township from which separation has been made.

Approved March 5, 1913.

CHAPTER 92.

[H. B. No. 339—Dynes.]

APPOINTMENT OF TOWNSHIP OVERSEER OF HIGHWAYS.

AN ACT Providing for the Appointment of a Township Overseer of Highways and His Compensation, Defining His Duties and Powers, and Providing for the Levying and Collection of Road Taxes and Their Distribution.

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

§ 1. There shall be appointed by the township board of supervisors at their next meeting succeeding the annual town meeting one township overseer of highways for each township, who shall be a practical road builder and whose compensation shall be fixed by the township board, to be paid on presentation of a verified bill at the regular meeting of the township supervisors. All duties now by law resting upon district road overseers shall be performed by this township overseer of highways. He shall have direct charge of the construction and maintenance of all highways and township bridges in the township, whether the work done on same is done by contract or by day labor. He

shall be responsible for the maintenance of said highways throughout the entire year. In unorganized territory, in counties where on county superintendent of highways has been appointed the board of county commissioners shall appoint a district overseer of highways whose powers and duties shall be the same as in the organized township, and whose compensation shall be fixed by the county commissioners to be paid on presentation of a verified bill at the regular meeting of the county commissioners.

§ 2. In counties having a county superintendent of highways the township road overseers shall be ex-officio deputy county superintendent of highways, as provided in Chapter 145 of the Session Laws of 1911, for his respective township.

§ 3. All road taxes and assessments upon persons or property shall be paid in cash, and it shall be the duty of the township clerk immediately after the board of township supervisors have made the levy of taxes for road purposes to notify the county auditor of the amount of the levy, who shall enter the same upon the county tax lists to be collected by the county treasurer in the same manner as other township taxes are collected. Such taxes, when collected, shall constitute a road fund belonging to the township in which it is levied, and shall be returned by the county treasurer to the township treasurer.

§ 4. Any taxpayer in any township, who so elects, shall notify the township overseer of highways before May 1st of his intention to work out his road tax, and the township overseer shall file a list of such names with the township clerk before May 15th. *Provided*, that in unorganized territory the district overseer of highways or the deputy county superintendent of highways shall file said list with the county auditor. Said taxpayers shall then be employed on the highways at the time and place at which the district overseer or the deputy county superintendent of highways shall designate. The compensation for this labor shall be paid as provided in Chapter 149 of the Session Laws of 1911.

§ 5. The board of township supervisors must order the expenditure of all road taxes paid into the township treasury in the improvement of the highways under such regulations as it may deem most expedient for the public interests, and for this purpose shall issue a warrant upon the road funds of the township upon the certificate of the township overseer that such work has been satisfactorily performed. *Provided*, that in unorganized townships all road taxes shall be expended in the district in which they are levied.

§ 6. It shall be lawful in operating under this law for the officers charged with the duty of expending the road tax to proceed at once with the work upon the roads in their districts and cause warrants to be issued in payment thereof in anticipation of the current year's tax.

§ 7. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1913.

CLERKS OF COURT

CHAPTER 93.

[H. B. No. 160—Butler of Ransom.]

DUTIES OF CLERKS OF COURTS IN CANCELLED TRANSCRIPTED JUDGMENTS.

AN ACT Relating to the Duties of Clerks of Courts or Other Officers in Cancelling and Discharging Transcribed Judgments.

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

§ 1. Upon the cancellation and discharge of any judgment by the clerk of the district court of the county wherein the judgment was rendered or docketed, it shall be the duty of such clerk to immediately forward to the clerk of the district court of any other county or subdivision wherein a transcript of any such judgment docket shall have been filed and judgment docketed accordingly, a written notice under his hand and seal, showing the names of the parties, date and amount of such judgment, and that such judgment has been cancelled and discharged, and it is hereby made the duty of such clerk to carry out the provisions of this act as to all such judgments heretofore satisfied.

§2. Upon receipt of such notice by any clerk of court wherein such judgment is of record, such officer shall immediately cancel and discharge such judgment of record.

§ 3. No charge other than now provided for by law shall be made by the clerk for issuing said notice or for cancelling and discharging such judgment.

§ 4. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 19, 1913.

COLD STORAGE

CHAPTER 94.

[S. B. No. 48—Porterfield.]

COLD STORAGE WAREHOUSES.

AN ACT Entitled "An Act Relating to Cold Storage and Refrigerating Warehouses, the Disposition or Sale of the Food Kept or Preserved Therein, and Defining the Duties of the Food Commissioner of the North Dakota Government Agricultural Experiment Station in Relation Thereto and Providing Penalties for the Violation Thereof.

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

§ 1. The term "cold storage" as used in this Act shall be construed to mean a place artificially cooled to a temperature of 40 degrees F. or below, but shall not include such a place in a private home, hotel, or restaurant, or refrigerator cars.

The term "cold stored" as used in this Act shall be construed to mean the keeping of "articles of food" in "cold storage" for a period exceeding thirty days.

The term "articles of food" as used in this Act shall be construed to mean and include fresh meat, and fresh meat products, except in process of manufacture, fresh food, fish, game, poultry, eggs and butter.

§ 2. Any person, firm or corporation desiring to operate a public cold storage or refrigerating warehouse, shall make application in writing to the food commissioner of the experiment station at Fargo for that purpose, stating the location of its plant or plants. On receipt of the application the food commissioner shall cause an examination to be made into the sanitary condition of said plant or plants, and if found to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the food commissioner shall cause a license to be issued authorizing the applicant to operate a cold storage or refrigerating warehouse for and during the period of one year. The license shall be issued upon payment by the applicant of a license fee of ten dollars (\$10.00) to the food commissioner.

§ 3. In the event that any place or places, or any part thereof, covered by a license, under the provisions of this Act, shall at any time be deemed by the food commissioner

to be in an unsanitary condition, it shall be the duty of the food commissioner to notify licensee of such condition, and upon the failure of the licensee to put said specified place or places, or the specified part thereof, in a sanitary condition within a designated time, it shall be the duty of the food commissioner to prohibit the use under its license such specified place or places, or part thereof, as he deems in an unsanitary condition until such time as it may be put in a sanitary condition.

§ 4. It shall be the duty of any person, firm or corporation licensed to operate a cold storage or refrigerating warehouse, to keep an accurate record of the receipts and the withdrawals of the articles of food, and the food commissioner shall have free access to these records at any time. Every such person, firm or corporation shall, furthermore, submit a quarterly report to the food commissioner, setting forth in itemized particular the quantity of food products held in cold storage. Such quarterly reports shall be filed on or before the 6th of January, April, July and October of each year, and the reports so rendered shall show the conditions existing on the first day of the month in which the report is filed. The food commissioner shall have the authority to require such reports to be made at more frequent intervals than the times herein specified, if in the judgment of the food commissioner more frequent reports shall be needed in the interest of a proper enforcement of this Act, or for other reasons affecting the public welfare.

§ 5. No article of food intended for human consumption shall be placed in cold storage if diseased or tainted or deteriorated so as to injure its keeping qualities, or if not slaughtered, handled and prepared for storage in accordance with the pure food and sanitary laws and such rules and regulations as may be prescribed by the food commissioner for the sanitary preparation of food products for cold storage, under the authority hereinafter conferred. Any article of food if intended for use other than human consumption before being cold stored shall be marked by the owner in accordance with forms prescribed by the food commissioner (under authority hereinafter conferred) in such a way as to plainly indicate the fact that such articles are not to be sold for human food.

§ 6. It shall be the duty of the food commissioner to inspect and supervise all cold storage or refrigerating warehouses in this state, and to make such inspection of the entry of articles of food therein as the food commissioner may deem necessary to secure proper enforcement

of this Act. The food commissioner, or his duly authorized agents, inspectors or employees, shall be permitted access to such establishments, and all parts thereof, at all reasonable times for purposes of inspection and enforcement of the provisions of this Act. The said food commissioner may also appoint and designate such person or persons as he deems qualified to make the inspections herein required.

§ 7. All articles of food when deposited in cold storage shall be marked plainly on the containers in which they are packed or on or in connection with the individual article with the date of receipt, and when removed from cold storage shall be marked with the date of withdrawal, in accordance with such forms as may be prescribed by the food commissioner, under the authority hereinafter conferred.

§ 8. No person, firm or corporation, as owners or having control, shall keep in cold storage any article of food for a longer period than twelve calendar months, except with the consent of the food commissioner, as hereinafter provided. The food commissioner may, upon application, grant permission to extend the period of storage beyond twelve months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of twelve months. The length of time for which further storage is allowed shall be specified in the order granting the permission. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the food commissioner, the kind and amount of goods for which the storage period was extended, and the length of time for which the continuance was granted, shall be included in the annual report of the food commissioner.

§ 9. It shall be unlawful to sell, or to offer or expose for sale, uncooked articles of food which have been held in cold storage without notifying persons purchasing, or intending to purchase, the same, that they have been so kept, by the display of a sign marked "Cold Storage Goods Sold Here," and it shall be unlawful to represent or advertise as fresh goods articles of food which have been held in cold storage.

§ 10. It shall be unlawful to return to cold storage any article of food that has once been released from such storage and placed on the market for sale to consumers, but nothing in this section shall be construed to prevent the transfer of goods from one cold storage or refrigerating warehouse to another, provided that such transfer is not

made for the purpose of evading any provision of this Act.

§ 11. The food commissioner may make rules and regulations to secure a proper enforcement of the provisions of this Act, including rules and regulations with respect to the sanitary preparation of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs, and the violation of such rules shall be punished, on conviction, as provided in Section 12 of this Act.

§ 12. Any person, firm or corporation violating any of the provisions of this Act shall, upon conviction, be punished for the first offense by a fine not less than ten (\$10.00) dollars and not more than one hundred (\$100.00) dollars, and for the second offense by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment for not more than thirty days, or by such fine and imprisonment.

§ 13. WHAT CONSTITUTES VIOLATION OF THE LAW.] The doing of anything prohibited by this Act shall be evidence of the violation of the provisions of this Act relating to the things so prohibited, and the omission to do anything directed to be done shall be evidence of a violation of the provisions of this Act relative to the things so directed to be done.

§ 14. All Acts and parts of Acts conflicting with the provisions of this statute are hereby repealed.

Approved March 12, 1913.

CONCURRENT RESOLUTIONS

CHAPTER 95.

[S. B. No. 219—Ganssle.]

A CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION to Amend Section 216 of the Constitution of the State of North Dakota, Pertaining to Public Institutions.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the following proposed amendment to the Constitution of the State of North Dakota adopted by the Twelfth Legislative Assembly and by it referred to the Thirteenth Legislative Assembly for approval or rejection, is hereby agreed to and such amendment shall be submitted to the qualified electors of the State at the next general election of the State at the next general election for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota:

AMENDMENT.] That Section 216 of the Constitution of the State of North Dakota is amended to read as follows:

The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "Other Educational and Charitable Institutions," as is allotted by law, viz:

First. A soldier's home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the County of Ransom, with a grant of forty thousand acres of land.

Second. The school for the blind of North Dakota, at Bathgate, in the County of Pembina, with a grant of thirty thousand acres.

Third. An industrial school and school for manual training, or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the County of Dickey, with a grant of forty thousand acres.

Fourth. A school of forestry, or such other institution as the legislative assembly may determine, at the city of Bottineau, in the County of Bottineau.

Fifth. A scientific school, or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, County of Richland, with a grant of forty thousand acres.

Sixth. A state normal school at the city Minot, in the County of Ward; *provided*, that no other institution, of a character similar to any one of those located by this article shall be established or maintained without a revision of this constitution.

Approved March 10, 1913.

CHAPTER 96.

[S. B. No. 259—McBride.]

A CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION Amending Section 216 of the Constitution of the State of North Dakota, Establishing and Locating a State Normal School in the City of Dickinson, County of Stark.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following proposed amendment to Section 216 of the Constitution of the State of North Dakota, be referred to the legislative assembly to be chosen at the next general election in said state to be by said last mentioned legislative assembly submitted to the qualified electors of the State for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] That Section 216 of the Constitution of the State of North Dakota be amended to read as follows:

§ 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "other educational and charitable institutions" as is allotted by law, namely:

First: A soldiers' home, when located, or such other charitable institutions as the legislative assembly may determine at Lisbon, in the County of Ransom, with a grant of forty thousand acres of land.

Second: A blind asylum, or such other institution as the legislative assembly may determine, at such place in the County of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by

the Legislative Assembly, with a grant of thrity thousand acres.

Third: An industrial school and school for manual training or such other educational or charitable institution as the Legislative Assembly may provide, at the town of Ellendale, in the County of Dickey, with a grant of forty thousand acres.

Fourth: A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau or Rollette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

Fifth: A scientific school or such other educational or charitable instiution as the legislative assembly may prescribe, at the city of Wahpeton, County of Richland, with a grant of forty thousand acres.

Sixth: A state normal school at the city of Minot in the County of Ward.

Seventh. (a) A state normal school at the city of Dickinson, in the County of Stark.

Provided, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this constitution.

Approved March 10, 1913.

CHAPTER 97.

[S. B. No. 157—Bronson.]

A CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION for an Amendment to the Constitution Providing for the Elective Franchise.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Therein Concurring:

That the following amendment to the Constitution of the State of North Dakota be referred to the legislative assembly to be chosen at the next general election, be published, and upon agreement, by the legislature so chosen next, as aforesaid, to be submitted to the people at the general election in the year 1916 for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota:

Section 121 of Article 5 of the Constituion of North Dakota, as amended by Article 2 of the amendments to the

said Constitution, shall be and is hereby amended and re-enacted to read as follows:

§ 121. Every person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state one year and in the county three months and in the precinct sixty days next preceding any election, shall be a qualified elector at such election:

First: Citizens of the United States.

Second: Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election.

Approved March 10, 1913.

CHAPTER 98.

[S. B. No. 73—Gibbens.]

CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota Providing for Future Amendments Thereof.

Be it Resolved, By the Senate of the State of North Dakota, the House of Representatives Concurring:

§ 1. That the following proposed amendment to Section 202 of Article 15 of the constitution of the state of North Dakota, adopted by the twelfth legislative assembly of the state of North Dakota, and by it referred to the thirteenth legislative assembly of the said state, for approval or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state at the general election for approval or rejection, in accordance with the provisions of Section 202 of the constitution of the state of North Dakota.

AMENDMENT.] Article 15, Section 202, of the constitution of the state of North Dakota is amended so as to read as follows:

§ 202. This constitution may be amended as follows:

First. Any amendment or amendments to this constitution may be proposed in either house of the legislative assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on the journal of the house with the yeas and nays taken thereon and referred to the legislative assembly to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice and if the legislative assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed

to by a majority of all members elected to each house, then it shall be the duty of the legislative assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the legislative assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislative assembly voting thereon, such amendment or amendments shall become a part of the constitution of this state. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Second. Any amendment or amendments to this constitution may also be proposed by the people by the filing with the secretary of state, at least six months previous to a general election, of an initiative petition containing the signatures of at least twenty-five per cent of the legal voters in each of not less than one-half of the counties of the state. When such petition has been properly filed, the proposed amendment or amendments shall be published as the legislature may provide, for three months previous to the general election, and shall be placed upon the ballot to be voted upon by the people at the next general election. Should any such amendment or amendments proposed by initiative petition and submitted to the people receive a majority of all the legal votes cast at such general election, such amendment or amendments shall be referred to the next legislative assembly, and should such proposed amendment or amendments be agreed upon by a majority of all the members elected to each house, such amendment or amendments shall become a part of the constitution of this state. Should any amendment or amendments proposed by initiative petition and receiving a majority of all the votes cast at the general election as herein provided, but failing to receive approval by the following legislative assembly to which it has been referred, such amendment or amendments shall again be submitted to the people at the next general election for their approval or rejection as at the previous general election. Should such amendment or amendments receive a majority of all the legal votes cast at such succeeding general election, such amendment or amendments at once become a part of the constitution of this state. Any amendment or amendments proposed by initiative petition and failing of adoption as herein provided, shall not be again considered until the expiration of six years.

Approved March 10, 1913.

CHAPTER 99.

[S. B. No. 319—Committee on State Affairs.]

A CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota Providing for the Establishment and Location of a State Hospital for the Insane.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

The following propose damendment to Section 216, Article 19 of the Constitution of the State of North Dakota is referred to the legislative assembly to be chosen at the next general election in said state, to be by such last mentioned Legislative Assembly submitted to the qualified electors of this state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] Section 216 of the Constituion of the State of North Dakota is amended to read as follows:

§ 216. The following named public instituions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand (170,000) acres of land made by the United States for "other educational and charitable institutions" as is alloted by law, namely:

First: A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand (40,000) acres of land.

Second: A blind asylum, or such other institution as the legislative assembly may determine at such place in the county of Pembina as the qualified electors of said county may determine, at an election to be held as perscribed by the legislative assembly, with a grant of thirty thousand (30,000) acres.

Third: An Industrial school and school for manual training, or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand (40,000) acres.

Fourth: A School of forestry, or such other institution as the legislative assembly may determnie, at such place in one of the counties of McHenry, Ward, Bottineau and Rollette, as the electors of the said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

Fifth: A Scientific School, or such other educational or charitable institution as the legislative assembly may pre-

scribe at the city of Wahpeton, County of Richland, with a grant of forty thousand (40,000) acres.

Sixth: A state normal school at the city of Minot in the county of Ward.

Seventh: (B) A state hospital for the insane at such place within this state as shall be selected by the legislative assembly, *provided*, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this constitution.

Approved March 10, 1913.

CHAPTER 100.

[S. B. No. 67—Albrecht.]

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION Amending Section 185 of the Constitution of the State of North Dakota, Relating to State Aid in the Construction and Improvement of Public Highways.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

The following proposed amendment to the Constitution of the State of North Dakota adopted by the Twelfth Legislative Assembly of the State of North Dakota and by it referred to the Thirteenth Legislative Assembly of said state for approval or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT TO CONSTITUTION.] That Section 185 of Article 12 of the Constitution of the State of North Dakota is hereby amended to read as follows:

185. Neither the state nor any county, city, township, town, school district or any other political subdivision shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the state engage in any work of internal improvement unless authorized by a two-thirds vote of the people. *Provided*, that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.

Approved February 27, 1913.

CHAPTER 101.

[S. B. No. 32—Overson.]

CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Providing for the Initiative and Referendum.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following amendment to the constitution of the state of North Dakota, adopted by the Twelfth Legislative Assembly of the State of North Dakota, and by it referred to the Thirteenth Legislative Assembly of said state for approval or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

AMENDMENT.] Section 25 of Article 2 of the Constitution of the State of North Dakota is hereby amended as follows:

§ 25. The legislative authority of the state of North Dakota shall be vested in the legislative assembly consisting of a senate and house of representatives, but the people reserve to themselves the power to propose laws and to enact and reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option, to approve or reject at the polls any act, item, section or part of any act or measure passed by the legislative assembly. The first power reserved by the people is the initiative, or the power to propose measures for enactment into laws, and at least ten per cent of the legal voters to be secured in a majority of the counties of this state shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than thirty days before any regular session of the legislative assembly; he shall transmit the same to the legislative assembly as soon as it convenes. Such initiative measure shall take precedence over all other measures in the legislative assembly except appropriation bills, and shall be either enacted or rejected without change or amendment by the legislative assembly within forty days. If any such initiative measure shall be enacted by the legislative assembly it shall be subject to referendum petition, or it may be referred by the legislative assembly to the people for approval or rejection. If it is rejected or no action is taken upon it by the legislative assembly within said forty days the secretary of state shall submit it to

the people for approval or rejection at the next ensuing regular general election. The legislative assembly may reject any measure so proposed by initiative petition and propose a different one to accomplish the same purpose, and in any such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular election. If conflicting measures submitted to the people at the next ensuing election shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become valid and the other shall thereby be rejected. The second power is the referendum, or the power to order any act, item, or part of any act to be referred to the people for their approval or rejection at the polls, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), as to any measure or any parts, items or sections of any measures passed by the Legislative Assembly either by a petition signed by ten per cent of the legal voters of the state from a majority of the counties or by the Legislative Assembly, if a majority of the members elect vote therefor. When it is necessary for the immediate preservation of the public peace, health or safety that a law shall become effective without delay, such necessity and the facts creating the same shall be stated in one section of the bill, and if upon aye and nay vote in each house two-thirds of all the members elected to each house shall vote on a separate roll call in favor of the said law going into instant operation for the immediate preservation of the public peace, health or safety, such law shall become operative upon approval by the governor.

The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of that act from becoming operative. Referendum petitions against measures passed by the Legislative Assembly shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the Legislative Assembly which passed the measure on which the referendum was demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at biennial regular elections except as provisions may be made by law for a special election or elections. Any measure referred to the people shall take effect when it is approved by a majority of the votes cast thereon and not otherwise and shall be in force from the date of the official declaration of the vote.

The enacting clause of all the initiative bills shall be

“Be it enacted by the people of the State of North Dakota.” This section shall not be construed to deprive any member of the Legislative Assembly of the right to introduce any measure. The whole number of votes cast for secretary of state at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.

Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he and all other officers shall be guided by the general laws and the act submitting this amendment until legislation shall be especially provided therefor.

This amendment shall be self-executing, but legislation may be enacted to facilitate its operation.

Approved March 10, 1913.

CHAPTER 102.

[S. B. No. 370—Hanley.]

A CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Changing the Name of the State Reform School Located at Mandan, in the County of Morton, to that of State Farm and Mechanic Art School.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following proposed amendment to Section 215 of the Constitution of the state of North Dakota be referred to the legislative assembly to be chosen at the next general election in said state to be by said last mentioned legislative assembly submitted to the qualified electors of the state for approval or rejection in accordance with the provisions of Section 202 of the constitution of the state of North Dakota.

AMENDMENT.] Article 19, Section 215 of the constitution of the state of North Dakota is amended so as to read as follows:

§ 215. The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the act of congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe subject to the limitations provided

in the article on school and public lands contained in this constitution.

First: The seat of government at the city of Bismarck in the County of Burleigh.

Second: The State University and the School of Mines at the city of Grand Forks, in the County of Grand Forks.

Third: The Agricultural College at the city of Fargo, in the County of Cass.

Fourth: A state Normal School at the city of Valley City in the County of Barnes, and the legislative assembly in apportioning the grant of eighty thousand acres of land for normal schools made in the act of congress referred to shall grant to the said normal school at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Fifth: The School for the Deaf and Dumb of North Dakota at the city of Devils Lake, in the County of Ramsey.

Sixth: A State Farm and Mechanic Arts School at the city of Mandan, in the County of Morton.

Seventh: A State Normal School at the city of Mayville in the County of Traill, and the legislative assembly in apportioning the grant of lands made by congress in the Act aforesaid for state normal schools, shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Eighth: A state hospital for the insane at the city of Jamestown, in the county of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the act of congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located at or near the city of Grafton, in the county of Walsh, an institution for the feeble minded, on the grounds purchased by the secretary of the interior for a penitentiary building.

Approved March 10, 1913.

CHAPTER 103.

[H. B. No. 116—Norheim.]

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Relating to Uniformity of Taxation, and Permitting the Classification of Property for the Purpose of Taxation, and Relating Further to the Assessment and Taxation of Certain Public Utility Companies.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

The following proposed amendments to Sections 176 and 179, as amended by Article 4 of the Constitution of North Dakota, of Article 11 of the Constitution of North Dakota, adopted by the 12th legislative assembly, and by it referred to the 13th legislative assembly of said state for approval or rejection, are hereby agreed to, and such amendments shall be submitted to the qualified voters of the state at the next general election for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the state of North Dakota.

§ 1. AMENDMENT.] Section 176. Taxes shall be uniform upon the same class of property, including franchises within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only, but the property of the United States, and of the state, county and municipal corporations, shall be exempt from taxation; and the legislative assembly shall by a general law exempt from taxation property used exclusively for school, religious, cemetery, charitable or other public purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation; *provided*, that all taxes and exemptions in force when this amendment is adopted shall remain in force, in the same manner and to the same extent, until otherwise provided by statute.

§ 2. AMENDMENT.] Section 179, as amended by Article 4 of the Constitution of the state of North Dakota, is amended to read as follows:

§ 179. All taxable property except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The property, including franchises of all railroads operated in this state, and of all express companies, freight line companies, dining car companies, sleeping car companies, car equipment companies, or private car line companies, telegraph or

telephone companies or corporations operating in this state and used directly or indirectly in the carrying of persons, property, or messages, shall be assessed by the state board of equalization in a manner prescribed by such state board or commission as may be provided by law. But should any railroad allow any portion of its railway to be used for any purpose other than the operation of a railroad thereon, such portion of its railway, while so used, shall be assessed in the manner provided for the assessment of other real property.

Approved February 26, 1913.

CHAPTER 104.

[S. B. No. 110—Plain.]

CONCURRENT RESOLUTION.

A CONCURRENT RESOLUTION Amending the Constitution of the State of North Dakota, Empowering the Legislative Assembly to Provide by Law for Erection, Leasing, Purchasing and Operating Terminal Elevators in the State of North Dakota.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following proposed amendment to the Constitution of the State of North Dakota adopted by the Twelfth Legislative Assembly of the State of North Dakota, and by it referred to the Thirteenth Legislative Assembly of said state for approval or rejection, is hereby agreed to and such amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] The Legislative Assembly is hereby authorized and empowered to provide by law for the erection, purchasing or leasing and operation of one or more terminal grain elevators in the State of North Dakota, to be maintained and operated in such manner as the Legislative Assembly shall prescribe, and provide for inspection, weighing and grading of all grain received in such elevator or elevators.

Approved March 10, 1913.

CHAPTER 105.

[H. B. No. 5—Hanson and Blakemore.]

DIRECT ELECTION OF UNITED STATES SENATORS.

A JOINT RESOLUTION Ratifying a Proposed Amendment to the Constitution of the United States.

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

Whereas, the Sixty-second Congress of the United States of America, at the second session, by a constitutional majority of two-thirds thereof, made and passed the following proposal to amend the Constitution of the United States of America in the following words, to-wit:

“Joint Resolution proposing an amendment to the Constitution providing that senators shall be elected by the people of the several states.

“Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That in lieu of the first paragraph of Section three of Article I of the Constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the states:

“The Senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years, and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies; *Provided*, That the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

“This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.”

Therefore, be it, Resolved, by the legislative assembly of the state of North Dakota, duly convened, that the said foregoing proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the legislative assembly of the state of North Dakota.

And be it further Resolved, That certified copies of this joint resolution be forwarded by the Governor of this state to the Secretary of State for the United States of America, at Washington, and to the President of the Senate and the Speaker of the House of Representatives of the National Congress.

Approved February 18, 1913.

CORPORATIONS

CHAPTER 106.

[S. B. No. 218—Porterfield.]

CORPORATIONS, FEES, ANNUAL REPORTS.

AN ACT to Amend Section 4190, Article 2, of Chapter 11 of the Revised Codes of the State of North Dakota of 1905, Relating to the Disposition of Fees Collected for the Filing of the Annual Reports of Corporations.

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

§ 1. AMENDMENT.] That Section 4190, or Article 2, of Chapter II, of the Revised Codes of North Dakota of 1905 be amended to read as follows:

§ 4190. FEES, HOW DISPOSED OF.] The Secretary of State shall keep an accurate account of all moneys coming to his department, and shall turn over and pay to the State Treasurer any and all moneys for fees collected by him under the provisions of this article. Such fees must be paid in advance, and when collected must be paid into the state treasury at the end of each month and placed to the credit of the general fund.

Approved March 10, 1913.

CHAPTER 107.

[S. B. No. 291—Porterfield.]

**RENEWAL OF TERM OF CORPORATION OF BUILDING
LOAN ASSOCIATIONS.**

AN ACT to Amend and Re-enact Section 4610 of the Revised Codes of 1905, as Amended by Chapter 56 of the Session Laws of 1907, Relating to Building and Loan Associations.

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

§ 1. AMENDMENT.] Section 4610 of the Revised Codes of 1905, as amended by Chapter 56 of the Session Laws of 1907, be amended and re-enacted so as to read as follows:

4610. HOW FORMED.] Any ten or more persons may form a corporation for the purpose of doing business as a building and loan association in the manner provided in this chapter, and, except as otherwise provided, the provisions of articles one to twelve, inclusive, of Chapter 11 of this Code shall be applicable to such corporation; provided that the term of corporate existence of any such association may be renewed for a term of years, not exceeding the period limited by law, at any regular directors' meeting of such corporation by a two-thirds vote of the directors of said corporation, and the certificate of the chairman and secretary of such directors' meeting, evidencing such vote and renewal and filed with the Secretary of State shall be effectual to accomplish such renewal, and shall be recorded by the Secretary of State in the book of corporations, and thereupon the terms of the existence of such corporation shall be renewed for the term provided by said vote and certificate. Such corporation may do business outside of the state if it shall have expressed its intention so to do in its articles of incorporation, and no foreign building and loan association or corporation organized to do business as a building and loan association in any foreign state shall be authorized to transact any business as such corporation in the state of North Dakota until they shall have first deposited with the State Treasurer lawful money of the United States, or bonds, securities, or other evidences of indebtedness owned and held by such foreign corporation in the amount of twenty-five thousand dollars, the sufficiency of said bonds or mortgages so deposited to be approved by the State Treasurer, and such moneys, bonds or securities so deposited shall be subject to assessment and the levy and collection of taxes against the same in the same manner as if said property was owned and controlled by a resident of the state of North Dakota, and no business shall be trans-

acted in the state of North Dakota by any such foreign corporation until they have deposited with the State Treasurer the moneys or securities herein before mentioned and secured the Treasurer's receipt for such deposit. The said moneys or securities so deposited shall be surrendered to the corporation depositing the same whenever they shall present the certificate of the public examiner that all liabilities on the part of such corporation to any citizen of the state have been fully discharged, and not otherwise; provided, however, that for the purpose of this act any foreign corporation which issues certificates or contracts to citizens of this state whereby it agrees that in consideration of certain stipulated monthly payments to said corporation it will either buy or build a home, or loan money upon real estate, shall be considered and held to be foreign building and loan associations.

§ 2. EMERGENCY.] An emergency exists in that there is no law specifically providing for the renewal of the term of corporation existence of building and loan associations; therefore, this act shall take effect and be in force immediately after its passage and approval.

Approved March 3, 1913.

CHAPTER 108.

[H. B. No. 372—Twichell.]

CEMETERY CORPORATIONS.

AN ACT to Amend Section 4588 of the Revised Codes of North Dakota of 1905, Relating to the Powers of Cemetery Corporations.

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

§ 1. AMENDMENT.] Section 4588 of the Revised Codes of North Dakota for 1905, relating to the powers of cemetery corporations, is hereby amended to read as follows:

§ 4588. POWERS.] Such corporation has power to inclose, improve and embellish its grounds, avenues and walks, and to erect buildings or vaults for its use, and to prescribe in its by-laws rules for the sale, inclosure and ornamentation of lots and for erecting monuments or gravestones thereon; and to prohibit any use, division, improvement or ornamentation of any lot, which the corporation may deem improper; and to make other by-laws and acts to the end that all the appliances, conveniences and benefits of a public and private cemetery may be obtained and secured; and such corporation may receive by gift,

devise, bequest or otherwise, moneys or real or personal property or the income or avails of such moneys or property in trust, in perpetuity, for the perpetual and permanent improvement, maintenance, ornamentation, repair, care and preservation of any burial lot or grave, vault or tomb in any cemetery owned or controlled by such corporation, upon such terms and in such manner as may be provided by the terms of such gift, devise, bequest or other conveyance of such moneys or property in trust, and assented to by such corporation, and subject to the rules and regulations of such corporation; and every such cemetery corporation owning or controlling any such cemetery may make contracts with the owner, legal representatives of such owner of any lot, grave, vault or tomb in such cemetery for the perpetual and permanent improvement, maintenance, ornamentation, care, preservation and repair of any such lot, grave, vault or tomb in such cemetery owned or controlled by such corporation.

Approved March 14, 1913.

CHAPTER 109.

[S. B. No. 89—Judiciary Committee.]

SUPERVISION OF INVESTMENT COMPANIES.

AN ACT to Provide for the Regulation and Supervision of Investment Companies and Providing Penalties for the Violation Thereof.

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

§ 1. Every corporation, every co-partnership or company and every association (other than state and national banks, savings banks, trust companies, real estate mortgage companies dealing exclusively in real estate mortgage notes, and corporations not organized for profit), organized or which shall be organized in this state, whether incorporated or unincorporated, which shall sell or negotiate for the sale of any stocks, or investment bonds, or investment certificates of any corporation, foreign or domestic other than bonds of the United States, the State of North Dakota, or of some municipality of the State of North Dakota, to any person or persons in the State of North Dakota, other than those specifically exempted herein, shall be known for the purpose of this Act as a domestic investment company. Every such investment company organized in any other state, territory or government, or organized under the laws of any other state, territory or

government, shall be known for the purpose of this Act as a foreign investment company.

§ 2. Before offering or attempting to sell any stocks, or investment bonds, or investment certificates of any kind or character other than those specifically exempted in Section 1 of this Act to any person or persons, or transacting any business whatever in this state, excepting that of preparing the documents hereinafter required, every such investment company, domestic or foreign, shall file in the office of the state examiner of this state, in addition to those required by law to be filed by corporations and associations in the office of the secretary of state, together with a filing fee of fifteen dollars, the following documents, to-wit: a statement showing in full detail the plan upon which it proposes to transact business; a copy of all contracts, bonds and other instruments which it proposes to make with or sell to its contributors or customers; a statement which shall show the name and location of the investment company, and an itemized account of its actual financial condition, and the amount of its property and liabilities, and such other information touching its affairs as said state examiner may require. If such investment company shall be a co-partnership or an unincorporated association, it shall also file with the state examiner a copy of its articles of co-partnership or association, and all other papers pertaining to its organization; and if it be a corporation organized under the laws of North Dakota it shall also file with the state examiner a copy of its articles of incorporation, constitution and by-laws, and all other papers pertaining to its organization. If it shall be an investment company organized under the laws of any other state, territory or government, incorporated or unincorporated, it shall also file with the said state examiner a copy of the laws of such state, territory or government under which it exists or is incorporated, and also a copy of its charter, articles of incorporation, constitution and by-laws and all amendments thereof which have been made and all other papers pertaining to its organization.

§ 3. All of the above described papers shall be verified by the oath of a member of a co-partnership or company, if it be a co-partnership or company, or by the oath of a duly authorized officer, if it be an incorporated or unincorporated association. All such papers, however, as are recorded or are on file in any public office shall be further certified to by the officer of whose records or archives they form a part as being correct copies of such records or archives.

§ 4. Every foreign investment company shall also file

its written consent, irrevocable, that actions may be commenced against it, in the proper court of any county in this state in which a cause of action may arise, or in which the plaintiff may reside, by the service of process on the secretary of state, and stipulating and agreeing that such service of process on the secretary of state shall be taken and held, in all courts, to be as valid and binding as if due service had been made on the company itself, according to the laws of this or any other state, and such instrument shall be authenticated by the seal of said foreign investment company and by the signatures of all the members of the co-partnership or company, and by the signature of all members of the co-partnership or company, or by the signatures of the president and secretary of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, and shall be accompanied by a duly certified copy of the order or resolution of the board of directors, trustees or managers of the corporation authorizing the said secretary and president to execute the same.

§ 5. It shall be the duty of the state examiner to examine the statements and documents so filed, and if said state examiner shall deem it advisable he shall make or have made a detailed examination of such investment company's affairs, which examination shall be at the expense of such investment company, as hereinafter provided; and if he finds that such investment company is solvent, that its articles of incorporation, or association, its constitution and by-laws, its proposed plan of business and proposed contract, contain and provide for a fair, just and equitable plan for the transaction of business, and in his judgment promises a fair return on the stocks, bonds and other securities by it offered for sale, the state examiner shall issue to such investment company a statement reciting that such company has complied with the provisions of this act, that detailed information in regard to the company and its securities is on file in the state examiner's office for public inspection and information, that such investment company is permitted to do business in this state, and such statement shall also recite in bold type that the state examiner in no wise recommends the securities to be offered for sale by such security company. But if said state examiner finds that such articles of incorporation or association, charter, constitution and by-laws, plan of business or proposed contract contain any provision that is unfair, unjust, inequitable or oppressive to any class of contributors or customers, or if he decides from his examination of its affairs that said investment company is not

solvent or does not intend to do a fair and honest business, or in his judgment does not promise a fair return on the stocks, bonds or other securities by it offered for sale, then he shall notify such investment company in writing of his findings, and it shall be unlawful for such company to do any further business in this state until it shall so change its constitution and by-laws, articles of incorporation or association, its proposed plan of business and proposed contract and its general financial condition in such manner as to satisfy the state examiner that it is solvent, and its articles of incorporation or association, its constitution and by-laws, its proposed plan of business and proposed contracts, provide for a fair, just and equitable plan for the transaction of business, and does, in his judgment, promise a fair return on the stocks, bonds and other securities by it offered for sale; *provided*, that all expenses paid or incurred and all fees or charges received or collected for any examination made under the provisions of this Section of this Act shall be reported in detail by the state examiner and a full report and record made thereof in detail.

§ 6. It shall not be lawful for any investment company, either as principal or agent, to transact any business in form or character similar to that set forth in Section 1 of this Act, except as is provided in Section 2 of this Act, until it shall have filed the papers and documents above provided for. No amendment of the charter, articles of incorporation, constitution and by-laws of any such investment company shall become operative until a copy of the same has been filed with the state examiner as provided in regard to the original filing of charters, articles of incorporation, constitution and by-laws, nor shall it be lawful for any such investment company to transact business on any other plan than that set forth in the statement required to be filed by Section 2 of this Act, or to make any contracts other than that shown in the copy of the proposed contract required to be filed by Section 2 of this Act, until a written statement showing in full detail the proposed new plan of transacting business and a copy of the proposed new contract shall have been filed with the state examiner, in like manner as provided in regard to the original plan of business and proposed contract, and the consent of the state examiner obtained as to making such proposed new plan of business and proposed new contract.

§ 7. Any investment company may appoint one or more agents, but no such agent shall do any business for said investment company in this state until he shall first register with the state examiner as agent for such invest-

ment company, and for each such registrations there shall be paid to the state examiner the sum of two dollars. Such registration shall entitle such agent to represent said investment company as its agent until the first day of March following, unless said authority is sooner revoked by the state examiner, and such authority shall be subject to revocation at any time by the state examiner for cause appearing to him sufficient.

§ 8. An appeal may be taken from the decision of the state examiner to grant the statement provided for in this act to the district court of any county in the state of North Dakota.

Such appeal may be taken by filing with the clerk of said court a certified transcript of all papers on file in the office of the state examiner relating to such application and decision, within thirty days after the rendition of such decision, and serving notice of such appeal upon said examiner and filing a bond in the sum of \$250.00 with said clerk, conditioned for payment of all costs in case said appeal is dismissed and decision of the examiner sustained, said bond to be approved by the clerk of said court as provided for approval of bonds in arrest and bail proceedings. The judge shall hear said appeal not less than ten nor more than thirty days after the filing of said appeal with the clerk, the day of hearing to be fixed by the court. The case shall be tried in all respects as a court case without a jury, and costs shall be allowed and taxed as costs are now taxed in said courts in civil actions, and upon like notice.

§ 9. Every investment company, domestic or foreign, shall file at the close of business on December 31st of each year, and at such other times as required by the state examiner, a statement verified by the oath of the co-partnership or company, if it be a co-partnership or company, or by the oath of a duly authorized officer, if it be an incorporated or unincorporated association, setting forth in such form as may be prescribed by the said state examiner, its financial condition and the amount of its assets and liabilities, and furnishing such other information concerning its affairs as said state examiner may require. Each regular statement of December 31st shall be accompanied by a filing fee of two dollars and fifty cents. Any investment company failing to file its report at the close of business December 31st of each year or within ten days of that date, or failing to file any other or special report herein required within thirty days after receipt of request or requisition therefor, shall forfeit its right to do business in this state, and shall be subject to such further penalties as hereinafter provided for violation of this Act.

§ 10. The general accounts of every investment company, domestic or foreign, doing business in this state, shall be kept in double entry, and such company, its co-partners or managing officers, shall at least once in each month make a trial balance of such accounts which shall be recorded in a book provided for that purpose; such trial balance and all other books and accounts of such company shall at all times during business hours, except on Sundays and legal holidays, be open to the inspection of stockholders and investors in said company or investors in the stocks, investment bonds or investment certificates by it offered for sale and to the state examiner and his deputies.

§ 11. The state examiner shall have general supervision and control, as provided by this Act, over any and all investment companies, domestic or foreign, doing business in this state, and all such investment companies shall be subject to examination by the state examiner or his duly authorized deputies at any time the state examiner may deem it advisable and in the same manner as is now provided for the examination of state banks. The rights, powers and privileges of the state examiner in connection with such examinations shall be the same as is now provided with reference to the examination of state banks; and such investment company shall pay a fee for each of such examinations, not to exceed fifteen dollars for each day or fraction thereof, plus the actual traveling and hotel expenses of said state examiner or deputy that he is absent from the capitol building for the purpose of making such examination, and the failure or refusal of any investment company to pay such fee upon demand of the state examiner, or deputy, shall work a forfeiture of its right to do business in this state.

§ 12. Whenever it shall appear to the state examiner that the assets of any investment company doing business in this state are impaired to the extent that the assets do not equal its liabilities, or that it is conducting its business in an unsafe, inequitable or unauthorized manner, or is jeopardizing the interests of its stockholders or investors in stocks, investment bonds or investment certificates by it offered for sale, or whenever any investment company shall fail or refuse to file any papers, statements or documents required by this Act, without giving satisfactory reasons therefor, said state examiner shall at once communicate such facts to the attorney general, who shall thereupon apply to any district court, or a judge thereof, for the appointment of a receiver to take charge of and wind up the business of such investment company; and if such fact or facts be made to appear, it shall be sufficient evidence to

authorize the appointment of a receiver and the making of such order and decrees in such cases as equity may require.

§ 13. Any person who shall knowingly or wilfully subscribe to or make or cause to be made any false statements or false entry in any book of such investment company, or exhibit any false paper with the intention of deceiving any person authorized to examine into the affairs of such investment company, or shall make or publish any false statement of the financial condition of such investment company, or the stocks, investment bonds or investment certificates by it offered for sale, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not less than two hundred dollars nor more than ten thousand dollars, or shall be imprisoned for not less than one year nor more than ten years in the state penitentiary, or by both such fine and imprisonment.

§ 14. Any person or persons, agent or agents, who shall sell or attempt to sell the stock, investment bonds or investment certificates of any investment company, domestic or foreign, or the stock, investment bonds or investment certificates by it offered for sale, who have not complied with the provisions of this Act; or any investment company, domestic or foreign, which shall do any business, or offer or attempt to do any business, except as provided in Section 2 of this Act, which shall not have complied with the provisions of this Act; or any agent or agents who shall do or attempt to do any business for any investment company, domestic or foreign, in this state, which agent is not at the time duly registered and has fully complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than one hundred dollars nor more than five hundred dollars, and by imprisonment in the county jail for not more than ninety days.

§ 15. All fees herein provided for shall be collected by the state examiner and by him shall be turned into the state treasury, and shall be kept in a special fund for the payment of the actual and necessary expenses herein provided. All money actually and necessarily paid out by the state examiner for traveling or incidental expenses on duties performed under this Act shall be audited as other claims against the state and paid out of the special fund herein created.

§16. All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 17. EMERGENCY.] Whereas, an emergency exists in this, that there is no law in this state on this subject, therefore this bill shall be in force and effect immediately upon its passage and approval.

Approved March 13, 1913.

CHAPTER 110.

[S. B. No. 166—Ellingson.]

REINSTATING AND VALIDATING CORPORATIONS.

AN ACT Reinstating and Validating the Charters of Corporations That Have Been Cancelled for Failure to Make and File With the Secretary of State Reports as Required by and Under Section 4186 of the Revised Codes of 1905.

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

§ 1. CHARTERS VALIDATED. REPORTS FILED WITH THE SECRETARY OF STATE.] All corporations heretofore organized under the laws of the state of North Dakota, whose charters have become forfeited and cancelled under the provisions of Section 4186 of the Revised Codes of 1905, by reason of the failure to make and file with the Secretary of State reports as in said section required, be, and the same hereby are, validated for all purposes; upon condition, however, that all corporations desiring to come under the provisions hereof shall on or before the first day of August, 1913, make and file with the said Secretary of State full and complete reports as in said section prescribed, pay a penalty of ten dollars and all arrearages in fees, and the charter of any corporation complying with the provisions of this statute within said period is hereby declared valid in all respects.

§ 2. EMERGENCY.] Whereas, an emergency exists in that the charters of many corporations have been cancelled by reason of the failure to make reports as required by law, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 20, 1913.

CHAPTER 111.

[H. B. No. 159—Wiley.]

CORONER'S FEES.

AN ACT to Amend Section 2607 of the Revised Codes of North Dakota 1905, Relating to Coroner Fees.

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

§ 1. AMENDMENT.] Section 2607 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 2607. FEES TO BE CHARGED.] The coroner shall be entitled to charge and receive the following fees:

1. For a view of each body and taking and returning an inquest, five dollars (\$5.00.)
2. For a view of each body and examination without inquest, three dollars (\$3.00).
3. For taking information, fifty cents (50c).
4. For issuing subpoena, warrant or order for jury, fifty cents (50c).
5. For qualifying an inquest, fifty cents (50c).
6. For administering an oath or affirmation to witness, ten cents (10c).
7. For each adjournment, fifty cents (50c).
8. For taking depositions, drawing and returning inquisitions, for each ten words, one cent (1c).
9. For each mile traveled to and returning from an examination or inquest, ten cents (10c); *provided*, that when it is necessary to travel by team, the actual cost of the same may be charged in addition to such mileage not exceeding five dollars (\$5.00) per day.
10. For physician making post mortem examination of deay body, ten dollars (\$10.00).
11. For other services rendered, the same fees as are allowed for the sheriff, and mileage.
12. Such fees shall be paid out of the county treasury, and the bill for the same be filed by the county auditor with the county judge, but in all cases of murder or manslaughter, out of the goods, chattels, lands and tenements of the slayers, if he has any; otherwise, by the county, with mileage for distance actually traveled to and from the place of securing the dead body.

Approved March 13, 1913.

COUNTY AUTITOR

CHAPTER 112.

[S. B. No. 243—Hoverson.]

AUDITORS AND TREASURERS.

AN ACT to Amend Section 2485 of the Revised Codes of North Dakota for 1905, Relating to the Annual Statement of the County Auditor and Treasurer.

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

§ 1. AMENDMENT.] Section 2485 of the Revised Codes for 1905 is hereby amended so as to read as follows:

§ 2485. AUDITOR AND TREASURER JOINTLY TO MAKE ANNUAL STATEMENT. PUBLICATION.] The county auditor and county treasurer conjointly shall make out annually a detailed exhibit, showing the receipts and disbursements of the county for the fiscal year; also the assets and liabilities at the time of making out the same. Said exhibits shall show the amount of all orders on the treasury issued during the year next preceding, to whom allowed, and on what account; also the liabilities of the county stated in detail, and the assets of every kind, as nearly as may be; showing also the amount of funds in the treasury at the time of making said exhibit, on what account paid in and in the kind of funds. Said exhibit shall be made out annually up to and including the 31st day of December, and filed with the county auditor, and a copy posted upon the same day in the office of the treasurer. *Provided*, that such auditor and treasurer shall not receive their December salary until such report has been made, filed and posted.

Approved March 13, 1913.

CHAPTER 113.

[S. B. No. 176—Hookway.]

DELINQUENT TAX CERTIFICATES.

AN ACT to Amend and Re-enact Section 1577 of the Revised Codes of North Dakota for the Year 1905 Relating to Certificate of Sale and Purchase for Taxes and the Form of Such Certificate.

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

§ 1. That Section 1577 of the Revised Codes of North Dakota for 1905 be amended and re-enacted to read as follows:

§ 1577. CERTIFICATE OF SALE OF EACH PARCEL. WHAT TITLE PASSES.] The auditor shall execute to the purchaser of any piece or parcel of land a certificate which may include all lands sold to him and which may be substantially in the following form:

COUNTY CERTIFICATE OF SALE FOR TAXES.

I,, auditor of the county of, in the state of North Dakota, do hereby certify that the following described real estate in said county and state, to-wit: (describing the same), was on the day of, A. D. 19....., sold by me in the manner provided by law for the delinquent taxes of the year 19....., thereon, amounting to dollars, including interest and penalty thereon, and the costs allowed by law to for the sum of dollars, he being the bidder who agreed to accept the lowest rate of interest thereon from the date of sale on the amount of such taxes, penalties and costs so paid by him, and that said rate of interest, which said purchaser so agreed to accept was per cent per annum.

And, I further certify that unless redemption is made of said real estate in the manner provided by law the said or assigns will be entitled to a deed therefor on and after the day of, A. D., 19....., on the surrender of this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of, A. D., 19.....

(Seal.)

Auditor.

Approved March 15, 1913.

CHAPTER 114.

[H. B. No. 168—Blakemore.]

DELINQUENT TAXES, PRIOR CERTIFICATES.

AN ACT to Regulate, in Certain Class of Classes, the Entry by County Auditors of Notations of Prior Tax Sales of Land Upon the Tax Lists for Subsequent Years; and When and How Empowèred to Erase, Cancel and Annul Any Already Entered and Noted in Cases of That Same Class.

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

§ 1. AUDITOR NOT TO EXTEND NOTATIONS FOR REGULAR ANNUAL TAX SALES AGAINST LANDS SOLD UNDER JUDGMENT FOR SAME.] Whenever in order to comply with the provisions of Section 16 of Chapter 161 of the Laws of 1903 (being Section 1690 of the Revised Codes of 1905), any county auditor shall issue his certificate, or where theretofore there shall have been issued a county auditor's certificate to the holder of a certificate of sheriff's real estate tax judgment sale (provided for under Section 15 of said Act) to the effect that the right to redeem the land therein described has or had expired the county auditor shall thereupon at the place of entry of tax against said land upon the original collection tax list of each and every year included in, and for which such judgment against said land was taken, write or stamp the words, "Judgment Sale," and the date of such judgment sale, and he shall not thereafter make or extend against said land upon the tax list of any subsequent year any entry or notation of the regular annual tax sale or sales originally made to either the state or county for the year or years included in, and for which such judgment was taken.

§ 2. EMPOWERS AUDITOR TO ERASE, CANCEL AND ANNUL NOTATION.] And if at the time of issuing said certificate of no redemption to the holder of such sheriff's certificate of judgment sale as under Section 1 the tax lists of any subsequent years shall have had extended or noted against said land any sale or sales to either the state or county for any year or years included in such judgment sale, then the county auditor is hereby empowered and directed to erase, cancel and annul any such extensions and notations against said land upon the tax lists for any and all years subsequent to the year last included in such judgment.

§ 3. REPEAL.] All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 15, 1913.

CHAPTER 115.

[H. B. No. 187—Bope.]

COUNTY AUDITORS, DUTIES.

AN ACT to Amend and Re-enact Section 1597 of the Revised Codes of 1905, as Amended by Chapter 302, Laws of 1911, Relating to Duty of County Auditor, and Requirements of Taxes and Deeds.

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

§ 1. AMENDMENT.] Section 1597 of the Revised Codes of 1905, as amended by Chapter 302 of the Session Laws of 1911, be, and the same is hereby, amended and re-enacted to read as follows:

§ 1597. DUTY OF COUNTY AUDITOR.] When any deed, patent or final decree of distribution is presented to the county auditor for transfer he shall ascertain from the books and records in the office of the county treasurer if there are any current taxes due on the land described therein, or any special assessment due thereon; he shall also ascertain from the books and records in the auditor's office if there be delinquent taxes on the said land described within, or special assessments due thereon, or if it has been sold for taxes, and if there are current taxes, delinquent taxes or special assessments due or installments of special assessments due, he shall certify to the same, and when the receipt of the county treasurer shall be produced for the said current taxes, delinquent taxes or special assessments or installments of special assessments and for any other current or delinquent taxes, or special assessment or installments of special assessments that may be in the hands of the county treasurer or county auditor for collection, the county auditor shall enter on every deed, patent or final decree of distribution of real property so transferred, over his official signature, "taxes and special assessments or installments of special assessments, paid and transfer entered," or if the land described has been sold for taxes, "paid by sale of the land described within," or if it is an instrument entitled to record without regard to taxes, "transfer entered," and unless such entry is made upon any deed, patent or final decree of distribution, the register of deeds shall refuse to receive or record the same. A violation of the provisions of this section by the register of deeds shall be deemed a misdemeanor, and upon conviction thereof he shall be punished by a fine of not less than one hundred dollars and not exceeding one thousand dollars, and he shall be liable to the grantee of any instrument so recorded for the amount of any damage sustained;

provided, that sheriff's or referee's certificates of sale on execution decrees or foreclosures of mortgages may be recorded by the register of deeds without any such certificate from the county auditor. The county auditor shall keep a record of such transfers in book kept for that purpose, showing the names of the grantor and grantee, a description of the property and the date of transfer, and shall collect twenty-five cents for each certificate, from the person or persons presenting the same for certification, and said money so collected shall be by him paid into the office of the county treasurer at the end of each month and be placed to the credit of the general funds of the county.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 15, 1913.

COUNTY COMMISSIONERS

CHAPTER 116.

[S. B. No. 182—McLean.]

EXAMINATION OF RECORDS OF CERTAIN PUBLIC OFFICERS.

AN ACT to Amend Section 2623, Revised Codes of 1905, Relating to the Examination of Records of Certain Public Officers.

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

AMENDMENT.] Section 2623, Revised Codes of 1905, is hereby amended to read as follows:

§2623. EXAMINATION OF RECORDS. STATE'S ATTORNEY TO PROSECUTE.] At the end of the term of office of each county officer, or at any time it may seem advisable, it shall be the duty and authority of the board of county commissioners to examine the records of his office to ascertain if they have been properly kept, or to secure such examination by the State Examiner or other competent accountants. Any failure or irregularity discovered must be remedied, or it shall become the duty of the state's attorney to prosecute an officer guilty thereof for neglect as provided in the last section. It shall also be the duty of the city council, board of aldermen, village trustees, civil township supervisors, school

township or school district board, as the case may be, to examine the records of their several officers in a like manner, or to employ a competent accountant to make such examination. Upon complaint of irregularity by the proper board the state's attorney shall prosecute as provided in the last section.

Approved March 1, 1913.

CHAPTER 117.

[S. B. No. 233—McDowell.]

COUNTY COMMISSIONERS MAY LEVY TAXES FOR PROMOTION OF DIVERSIFIED FARMING.

AN ACT Authorizing the Boards of County Commissioners to Levy Taxes for the Promotion of Diversified Farming, Agricultural Development and Extension of Scientific Agricultural Work.

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

§ 1. The board of county commissioners for any county in this state may in its discretion, or, upon petition of twenty-five per cent of the tax payers of said county, shall, annually make an appropriation and levy a tax upon all the taxable property of the county for the purpose of promoting diversified farming and agricultural development through the employment of a person or persons to carry on scientific agricultural work within said county. The amount of tax so levied shall not exceed one half mill upon the dollar of assessed valuation.

§ 2. All appropriations, moneys, levies of taxes heretofore made by any county for the purposes specified in section one of this act are hereby validated and legalized.

§ 3. All funds raised in accordance with the provisions of this act shall be expended by and under the direction and control of the board of county commissioners, in such manner as they deem best adapted to accomplish the purposes set forth in section one of this act.

§ 4. EMERGENCY.] Whereas, an emergency exists in this, to-wit: it is very desirable and to the interests of all the people of the state that immediate steps be taken to encourage and promote the objects mentioned in this act, therefore an emergency exists and this act shall be in force from and after the date of its passage and approval.

Approved March 1, 1913.

CHAPTER 118.

[S. B. No. 289—Bond.]

TAXES, SPECIAL LEVY FOR IMMIGRATION.

AN ACT to Amend and Re-enact Section 2402 of the Revised Codes of 1905, Relating to a Special Tax Levy for Immigration Purposes.

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

§ 1. AMENDMENT.] That Section 2402 of the Revised Codes of 1905 be and the same is hereby amended to read as follows:

§ 2402. SPECIAL TAX LEVY FOR IMMIGRATION.] The board of county commissioners is authorized at the time fixed for the levying and assessment of taxes to levy and tax not in excess of one-fourth of one mill on the dollar upon the assessed valuation of all of the property in the county upon presentation of a petition signed by twenty per cent of the legal voters of the county, taking the total vote at the last general election for a basis, the proceeds of which shall be used solely for the purpose of promoting and assisting immigration to this state.

Approved March 11, 1913.

CHAPTER 119.

[S. B. No. 294—Plain.]

INSANE PERSONS, TAXES FOR.

AN ACT to Amend Sections 8, 9 and 10 of Chapter 137 of the Session Laws of 1907, Relating to the Time and Manner of Levying Taxes in Each County in Order to Raise Funds to Pay the Amount Chargeable to the County for the Care, Board and Treatment of Patients in the Hospital for the Insane, and Fixing the Time When Such Payments Shall be Made into the State Treasury, and Providing a Penalty for Failure to Make Such Payments.

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

§ 1. AMENDMENT.] That Section 8 of Chapter 137 of the Session Laws of 1907 be amended to read as follows:

§ 8. LEVY OF TAX TO PAY CHARGES.] The superintendent shall certify to the State Auditor on the first day of January, April, July and October of each year the amount not previously certified to by him that is due the said hospital for the insane from the several counties having patients chargeable thereto, and said State Auditor shall pass the

same to the credit of the state hospital for the insane. The State Auditor shall thereupon notify the county auditor of each county so owing, of the amount thereof, and charge the same to said county, and the board of county commissioners shall, at the time of levying the county taxes as provided in Section 1538 of the Revised Codes of 1905, include in the itemized statement of county expenses upon which the county taxes are required to be based by the provisions of the said section, an estimate of the total amount which will be chargeable to the county during the ensuing year for the care, board and treatment of patients for such county at the state hospital for the insane. If any county fails to levy such taxes as herein provided sufficient to pay the amount estimated to become chargeable to such county during the ensuing year at the time of levying other county taxes, it shall be the duty of the Attorney General to bring action in the name of the state against such county, to enforce the making of the estimates and the levying of taxes as provided herein.

§ 2. AMENDMENT.] That Section 9 of Chapter 137 of the Session Laws of 1907 be amended to read as follows:

§ 9. PENALTY FOR FAILURE TO PAY.] Upon the failure of any county to pay into the state treasury the amount chargeable to such county for the care, board and treatment of patients at the state hospital for the insane at the times prescribed in this act, it shall be the duty of the State Auditor to charge such delinquent county with a penalty of two per centum per month upon the amount of indebtedness, then thirty days over due, for each month, until payment thereof, including the penalty, has been made.

§ 3. AMENDMENT.] That Section 10 of Chapter 137 of the Session Laws of 1907 be amended to read as follows:

§ 10. TIME OF PAYMENT.] It shall be the duty of the county treasurer to pay into the state treasury upon the first day of January, April, July and October in each year, the amount which on each of such days is due the state and chargeable to and owing from the county for the care, board and treatment of all patients in the state hospital for the insane, and it shall be the duty of the State Auditor and the State Treasurer upon the first day of February, May, August and November in each year to transfer the full amount received from the counties under the provisions of this Chapter to the account of the state hospital for the insane.

Approved March 13, 1913.

CHAPTER 120.

[H. B. No. 415—Stenehjem.]

COUNTY COMMISSIONERS.

AN ACT to Amend Section 2386 of the Revised Codes of 1905, Providing for the Increase or Diminishing of the Number of County Commissioners.
Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENMDENT.] Section 2386 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 2386. NUMBER OF COUNTY COMMISSIONERS MAY BE CHANGED, HOW.] The number of county commissioners of any county may be increased to five or reduced to three in the manner following: Whenever the legal voters of the county, equal in number to twenty per cent of the legal votes cast at the preceding general election, petition the board of county commissioners for an increase or decrease in the number of county commissioners, said board shall submit the question to a vote of the electors of the county at a special election to be held either at the next state primary election, or general election, as the petition may pray. Notice of the submission of such question shall be given in the notice of election prescribed by Section 637. If the petition is for an increase in the number of commissioners, the proposition shall be submitted in this form:

“For five commissioners.”

“Against five commissioners.”

If it is for reduction, the proposition shall be in this form:

“For three commissioners.”

“Against three commissioners.”

Approved March 14, 1913.

CHAPTER 121.

[S. B. No. 77—Plain.]

RELIEF OF POOR.

AN ACT to Amend Sections 1851, 1852, 1855, 1858, 1859, 1860, 1862, 1863, 1866, 1867, 1868, 1869 and 1870 of the Revised Codes of 1905, and to Repeal Sections 1856 and 1861 of the said Codes, and Providing for the Relief of Poor Persons.

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

§ 1. AMENDMENT.] That Section 1851 of the Revised Codes of 1905 be amended to read as follows:

§ 1851. DUTY OF SUPERVISORS.] That the supervisors of the several townships of this state shall be ex-officio the overseers of the poor within their respective townships, and shall perform all duties with reference to the poor of their respective townships, that may be prescribed by law.

§ 2. OVERSEERS OF THE POOR.] Every township supervisor shall, in discharging the duties prescribed by this Act, be designated an overseer of the poor.

§ 3. AMENDMENT.] That Section 1852 of the Revised Codes of 1905 be amended to read as follows:

§ 1852. SUITS.] In all suits and proceedings in favor or against any such overseer connected with or pertaining to the poor of his township, the same shall be conducted in favor of or against such township, in its corporate name.

§ 4. AMENDMENT.] That Section 1853 of the Revised Codes of 1905 be amended to read as follows:

§ 1853. APPLICATION FOR RELIEF.] Any application for poor relief must be made to an overseer of the poor and the county commissioners shall not entertain original jurisdiction in the case of an application for poor relief, except in counties without township organization and as hereinafter provided.

§ 5. LEGAL RESIDENCE.] The question of whether an applicant for poor relief has legal residence in the township, so as to entitle him to relief, shall be determined by the overseers of the poor according to the provisions of Chapter 183 of the Laws of 1907, subject to appeal to the county commissioners who may bring action in the district court to determine the legal residence of applicants for poor relief, when the question is an issue between the overseer of the poor in two or more townships and when an agreement cannot be affected. When an action is brought for the purpose herein provided, the county commissioners may direct the overseers of the poor of the township where the application for relief was first filed, to contribute to the support of such poor during the pendency of such action, subject to reimbursement by the township where it is finally determined that such applicant has legal residence, if such action is decided favorably to the township contributing to the maintenance of such poor person.

§ 6. AMENDMENT.] That Section 1855 of the Revised Codes of 1905 be amended to read as follows:

§ 1855. OVERSIGHT AND CARE OF POOR.] The overseer of the poor in each township shall have the oversight and care of all poor persons in his township so long as they remain a public charge, and shall see that they are properly relieved and taken care of in the manner required by law. He shall,

in cases of necessity, promptly provide medical and surgical attention for all of the poor in his township, who are not provided for in public institutions and shall also, see that such medicines as are prescribed by the physician or surgeon in attendance upon the poor are properly furnished, *provided*, that in counties where county physician or physicians have been appointed on an annual salary, the overseer of the poor shall call upon the nearest county physician to attend such poor person in need of medical or surgical attention.

§ 7. OVERSEER TO MAKE INVESTIGATION.] Whenever a claim for poor relief shall be made upon an overseer of the poor for the benefit of any person or families of persons claiming to be poor and in distress, it shall be the duty of the overseer of the poor to carefully investigate the circumstances of poor such persons, so as to ascertain their legal residence, their physical condition of health, their present and previous occupation, their ability and capacity for labor, their ages and nationality, and the names and ages and ability and capacity for labor of all members of their family, the names and addresses and occupation of their parents, brothers, sisters, sons or daughters, and if such claimants for relief are found to be in distress the cause of their condition, if the same may be ascertained; the overseer of the poor shall also require and ascertain if the relatives of such claimants are able and willing to assist them.

§ 8. TEMPORARY AID.] Whenever an overseer shall ascertain by investigation that any poor person or family require assistance, he shall furnish to them such temporary aid as may be necessary for the relief of immediate and pressing suffering; before any further final or permanent relief in any case be given, the overseer shall consider whether distress can be relieved by other means, than by expenditure of township funds.

§ 9. PERSONS MUST WORK.] If the poor persons applying are in good health, or if any members of their family are so, the overseers shall insist that those able to labor shall seek employment and he shall refuse to furnish any aid until he is satisfied that the persons claiming help are endeavoring to find work for themselves. The overseer in such cases, shall make all possible effort to secure employment for the able bodied in the township where they reside and may call upon residents of the townships to aid him in finding work for such persons as are able to labor.

§ 10. HELP BY RELATIVES.] If the poor persons applying for township aid have relatives to assist them who are living in the township, it shall be the duty of the overseer before

giving aid a second time, to call on such relatives of the poor persons and ask them to help their poor relatives either with material relief or by furnishing them with employment. If any poor person applying for relief is able to labor and refuses to work when given the opportunity then the overseer shall refuse any further aid to such person, except admission to the county poor asylum or farm, if there be one, where he shall be compelled to labor, and if there be no poor farm in the county, such person shall be considered a vagrant and on complaint made by an overseer of the poor or by any other person, the person so refusing to work shall be prosecuted and punished in the manner prescribed in cases of vagrancy.

§ 11. SCHEDULE TO COUNTY COMMISSIONERS. COUNTY PAYS SEVENTY-FIVE PER CENT.] Whenever an overseer of the poor shall give aid to any poor person or family to the amount of the value of fifteen dollars, it shall be unlawful for him to furnish any further aid to such poor person or family until he shall have presented a statement of the case to the board of county commissioners with a report or schedule of said case containing the facts and information indicated in Section 7 of this Act. The board of county commissioners shall have the power and authority to refuse to appropriate county funds for the aid and maintenance of any poor person who has received aid from the overseer of the poor, if it shall appear to the board after examining the report of the said overseer, that aid is necessary. The board of county commissioners shall also have the authority to reduce or increase any allowance for aid and maintenance of the poor made by the overseer of the poor, where justice seems to require it; and the board, by a majority vote of all the members shall also have the power to grant relief to poor persons who have been refused aid by the overseer of the poor if justice and humanity require such relief, and the township where such poor person has a legal residence shall pay a sum equal to twenty-five per cent of the amount allowed by the board of county commissioners and the county shall pay seventy-five per cent thereof. If, after the report herein required to be made to the board of county commissioners, it appears to said board that relief should be granted to such poor person, the board shall appropriate an amount equal to seventy-five per cent of the total amount granted for the aid and maintenance of such poor person by the overseer of the poor, and the amount so appropriated, shall be paid by the county treasurer to the treasurer of the township. When the board of county commissioners shall reduce or increase the amount allowed for the support and maintenance of a poor person by the overseer of the

poor, the said board shall appropriate a sum equal to seventy-five per cent of the amount finally allowed and the balance shall be paid by the township as hereinbefore provided, and no credit shall be given, the township by the board of county commissioners for any amounts allowed for the aid and maintenance of the poor persons under the provisions of this Act in excess of twenty-five per cent of the total amount finally allowed by said board after examining the reports submitted by the overseer of the poor, as hereinafter required.

§ 12. AID FOR ABLE BODIED NON-RESIDENTS UNLAWFUL.] It shall be unlawful for any overseer of the poor to aid any person who is not a resident of the township where he is found otherwise than by some form of labor, unless such person shall be sick, aged, injured or crippled and unable to travel; and all overseers of the poor shall endeavor to provide some form of manual labor at which they shall set any able bodied non-resident who may apply for relief to them. It shall be unlawful for any overseer of the poor to furnish any able bodied non-resident with transportation at the cost of the township.

§ 13. LEGAL RESIDENCE MUST BE ASCERTAINED.] It shall be unlawful to furnish any non-resident who may be sick, aged, injured or crippled, with transportation at the cost of the township until after the overseer shall, by correspondence or otherwise, have ascertained beyond a reasonable doubt the legal residence of the person applying, and any transportation furnished to such person or persons shall be in direction of their legal residence, unless it be shown beyond reasonable doubt that the person in distress has some valid claim for support or some means of support in some other place towards which he or she shall ask to be sent.

§ 14. AMENDMENT.] That Section 1858 of the Revised Codes of 1905 be amended to read as follows:

§ 1858. RECORDS MUST BE KEPT.] Every overseer of the poor and every person who administers relief from the public funds to the poor, sick and needy who are not inmates of any public institutions, shall keep a record in which shall be entered the full name, age, sex, color, whether married or single, and nationality of every person to whom such officer or disburser of public funds gives relief, the date of giving relief in each instance, and the amount, if the relief be in form of money, or the value and kind, if such relief be in the form of articles of use or value. In the instance that relief is given to the person for the use of others, the records shall show the number of such recipients of relief, with the age and sex of each, if the relief be restricted to a single fam-

ily, and the name, age, sex, color and nationality of each person partaking of such relief who is not a member of the family of the person into whose hands relief is given by the overseer of the poor or other disburser of public funds. That said record also be made to show the reason for the giving of relief in each instance.

§ 15. COPIES OF RECORD FILED WITH AUDITOR.] Two copies of the record so kept shall be filed in the office of the auditor of the county wherein such relief is given by every person keeping such a record, at least once every three months; and it is hereby made unlawful for the board of county commissioners of any county to approve or allow the payments from the county treasury of the expense of relief to any person until two copies of such records, fully conforming to that described in the last preceding Section, shall have been filed in the office of the auditor of the county in which such relief is given.

§ 16. AMENDMENT.] That Section 1859 of the Revised Codes of 1905 be amended to read as follows:

§ 1859. APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS.] If any poor person shall feel that he or she is entitled to the benefit of the laws for the relief of the poor, and the overseer of the poor of the township in which he or she resides shall refuse to give such person the benefit thereof, upon application of such person the board of county commissioners or a majority thereof, may, if it shall think proper, direct the overseer to relieve him or her, on his or her application therefor.

§ 17. AMENDMENT.] That Section 1860 of the Revised Codes of 1905 be amended to read as follows:

§ 1860. WHEN RESIDENCE IS UNCERTAIN.] If any one within the description of the poor persons specified in this Act shall be found in any township and the overseer of the poor of such township shall be unable to ascertain and establish the place of legal residence of such person, he shall proceed to provide for such poor person in the same manner as other persons are hereby directed to be provided for.

§ 18. AMENDMENT.] That Section 1862 of the Revised Codes of 1905 be amended to read as follows:

§1862. POOR PERSON MAY BE CONVEYED TO PLACE OF RESIDENCE.] Upon complaint of any overseer of the poor, any justice of the peace may, by his warrant directed to and to be executed by any constable or by any other person therein designated, cause any poor person found in the township of such overseer likely to become a public charge, and having no legal residence therein, to be sent and conveyed at the expense of the county, to the place where such person belongs, if the same can be conveniently done; but if he or

she cannot be so removed, such persons shall be relieved by such overseer whenever such relief is needed.

§ 19. AMENDMENT.] That Section 1863 of the Revised Codes of 1905 to be amended as follows:

§ 1863. APPEAL TO THE DISTRICT COURT.] If any overseer of the poor of any township in any county in North Dakota, to which any pauper shall have been removed, as above provided, shall feel himself aggrieved by such order of removal, he may at any time within twenty days after such removal shall be known to him, appeal from the decision of the justice of the peace ordering such removal, to the district court of the county from which the removal was ordered to be made; such appeal to be taken, tried and determined and costs adjudged as in other cases of appeals from judgment of the justice of the peace, and the order of removal may be vacated or affirmed according to law and the right of the cause.

§ 20. AMENDMENT.] That Section 1866 of the Revised Codes of 1905 be amended to read as follows:

§ 1866. OVERSEER MUST RECEIVE PERSON HAVING LEGAL RESIDENCE.] If any person be removed by virtue of the provisions of this Act from any county, township or place to any other place within the state, by warrant or order under the hand and seal of any justice of the peace, as hereinbefore provided, the overseer of the poor of the township or place to which said person shall be removed is required to receive such person if he have a legal residence in his township.

§ 21. IN CASE OF DEATH, RESIGNATION OR REMOVAL OF TRUSTEE.] If any overseer shall remove out of his proper township, or be removed from his office or resign, or in any other way vacate his office, he shall immediately deliver all books, papers and other things concerning his office to his successor, upon his appointment; and in the event of the death of any overseer, his executors or administrators shall, within forty days after his death, deliver over all things belonging to his office, to his successor in office.

§ 22. AMENDMENT.] That Section 1867 of the Revised Codes of 1905, be amended to read as follows:

§ 1867. SETTLEMENT.] The overseer of the poor shall make settlement with the board of county commissioners, quarterly, at the regular meetings or oftener if said board of county commissioners shall direct, of all poor relief of the past quarter, and file all vouchers therefor as required by this or any other law; and the board of county commissioners are hereby directed to settle with the overseer of the poor in the several townships of their respective town-

ships at least once every quarter and oftener if they shall deem the same necessary, and the said board shall pay the township treasurer, quarterly, seventy-five per cent of all money advanced for the aid and maintenance of the poor in such township for the preceding quarter.

§ 23. AMENDMENT.] That Section 1870 of the Revised Codes of 1905 be amended to read as follows:

§ 1870. PROVIDING FOR CARE OF NON-RESIDENTS.] It shall be the duty of the overseer of the poor on complaint made to him that any person not an inhabitant of his township is lying sick therein or in distress, without friends or money so that he or she is likely to suffer, to examine into the case of said person, and grant such temporary relief as may be required. And if any person shall die in any township who shall not leave money or other means necessary to defray his or her funeral expenses, it shall be the duty of the overseer of the poor of such township to provide some person to provide for and superintend the burial of such deceased person, the necessary and reasonable expenses whereof shall be paid by the township, and upon the order of such overseer, provided that the expenses of such funeral to be borne by the township shall not exceed \$25.00.

§ 24. AMENDMENT.] That Section 1868 of the Revised Codes of 1905 be amended to read as follows:

§ 1868. Overseers of the poor shall receive two dollars per day each for every day during which they shall be necessarily employed in the discharge of their duties as such overseers, to be allowed by the supervisors of the township and paid out of the township treasury, and each overseer of the poor shall have power and authority to grant temporary relief, and no special meetings shall be called by said overseer of the poor for the consideration of poor relief, but the question of relief shall be acted upon at the regular quarterly meetings of the board of township supervisors.

§ 25. AMENDMENT.] That Section 1869 of the Revised Codes of 1905 be amended to read as follows:

§ 1869. The overseers of the poor shall annually at the first session of the board of county commissioners in each year, submit their annual report of proceedings for the year past, which report shall be presented to the county auditor at least one day before the session of such board.

§ 26. BLANKS.] All blanks for reports, schedules and information required under this Act shall be prepared and printed by the county and the expense thereof shall be paid out of funds of the county. The county auditor shall distribute said blanks among the overseers of the poor in each

township. The board of control of state institutions shall prepare all the forms for blanks to be used by the overseers of the poor under this Act, and such forms shall be sent to the county auditors promptly after the passage and approval of this Act, who shall thereupon print and distribute the said blanks hereinbefore required.

§ 27. COUNTY COMMISSIONERS. OVERSEERS OF THE POOR.] In counties where township organization has not been effected, the county commissioners shall be ex-officio overseers of the poor and shall perform all duties with reference to the poor within their jurisdiction that are by the provisions of this Act imposed upon township supervisors and the provisions of this Act relative to legal residence, method and conditions of granting relief to the poor, filing of records, and salaries of the overseers of the poor, shall apply, and the expense of such relief shall be paid by the county.

§ 28. The provisions of this Act relative to the duties of township supervisors as ex-officio overseers of the poor shall apply to the city council or city commissioners, as the case may be, in cities, and to the village trustees in villages of this state; and the method of making application for relief, the percentage paid by such city or village and the county, the report or schedule required to be submitted to the county commissioners shall be the same as is provided herein in the case of the overseers of the poor in the townships of this state; and the seventy-five per cent of such relief paid by the county shall be paid to the city or village treasurer, as the case may be; and the provisions of this Act relative to legal residence, appeals, settlement with the county commissioners, records to be kept, and investigations to be made, shall apply in the case of relief or applications for relief to the city council or city commissioners in cities, and to village trustees in villages in this state.

§ 29. The council or the city commissioners, as the case may be, of any city of five thousand or more inhabitants, may, or upon being petitioned by not less than ten per cent of the legal voters residing therein, shall at the next regular election held in such city, submit to the qualified electors thereof, the question of whether such city shall become an independent poor relief district, and if a majority of the electors voting thereon at such regular election are in favor of the proposition the city shall become an independent poor relief district.

§ 30. REPEAL.] That Sections 1856 and 1861 of the Revised Codes of 1905 be, and the same are, hereby repealed.

Approved March 15, 1913.

CHAPTER 122.

[H. B. No. 73—Bope.]

PROVIDING FOR COUNTY ROAD FUNDS.

AN ACT to Amend and Re-enact Section 1372 of the Revised Codes of North Dakota of 1905, Relating to County Road Funds.

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

§ 1. AMENDMENT.] Section 1372 of the Revised Codes of North Dakota of 1905 is hereby amended and re-enacted to read as follows:

§ 1372. COUNTY ROAD FUNDS.] In each county of this state having a population of two thousand or more according to the latest United States or state census there shall be levied and collected a property tax or not less than one-fourth of one mill, nor more than four mills on each dollar of the assessed valuation of all taxable property in the county, which, when collected, shall be kept in a distinct fund to be known as the county road fund and to be levied and expended in the improvement of highways as provided in this article. All sums levied and collected for the improvement of highways under the provisions of this article shall be expended under the direction of the board of county commissioners under the provisions of Section 1373. Such taxes shall be in addition to all other taxes for highway purposes otherwise described by law; provided that the board of county commissioners of any county may contract to expend all money under this article and may contract to expend all money levied and collected under the provisions of Section 1539, if deemed best.

§ 2. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 26, 1913.

CHAPTER 123.

[S. B. No. 277—Davis.]

COUNTY COMMISSIONERS.

AN ACT to Amend and Re-enact Section 2390 of the Revised Codes of 1905, Relating to the Term of Office of County Commissioners.

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

§ 1. AMENDMENT.] Section 2390, Revised Codes of 1905, is hereby amended and re-enacted to read as follows:

§ 2390. TERM OF OFFICE OF COMMISSIONERS.] The com-

missioners shall hold their office for the term of four years, except as provided by law for the organization of counties, and in counties now organized, the order of their election and succession shall be as herein provided, and commissioner districts in such counties shall continue as now constituted until changed as provided by law. *Provided*, that at the general election next after the organization of a county, either from unorganized territory or from territory segregated by division from another county. One county commissioner shall be elected for a term of two years and two commissioners for a term of four years, and thereafter as provided by law, the order of succession to be determined by lot. *Provided* further, that in all counties in this state wherein heretofore commissioners have been elected after the organization of a new county, either from unorganized territory or upon division or segregation from another county, and where all the commissioners now serving were elected for the same term, the county commissioners shall, at the regular meeting of the board of county commissioners next after the taking effect of this Act, by lot determine the order of their succession; three commissioners to hold their office for four years and two for two years from the first Monday in January, 1913, in counties having five commissioner districts; two commissioners to hold their office for four years and one for two years from the first Monday in January, 1913, in counties having three commissioner districts.

Approved March 13, 1913.

CHAPTER 124.

[H. B. No. 155—Bartley.]

COUNTIES MAY APPROPRIATE MONEY TO FIGHT TUBERCULOSIS.

AN ACT Permitting Counties to Appropriate Money to Prevent the Spread of Tuberculosis in this State.

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

§ 1. In case any town, district, county or state anti-tuberculosis society or association or other society or associations organized and existing for the purpose of controlling the spread of tuberculosis in this state considers it necessary to secure the services of visiting nurse or nurses, or to disinfect any building, room, residence, hotel, or other place in such county infected with tuberculosis such society

shall report such fact to the chairman of board of health and to the board of county commissioners, and shall in such report recommend the course of action advisable to be adopted by the board of county commissioners in relation thereto, and in accordance with the provisions of this act; and such board of county commissioners shall at the next meeting of such board consider such report and recommendation and act on the same, and such board of county commissioners is authorized and empowered to audit and allow bills for services rendered in carrying into effect the action of such board in relation thereto.

§ 2. The boards of county commissioners of the several counties of this state may appropriate money out of the general revenue fund of the county for the purpose of paying for the services of visiting nurses or other necessary medical attention or advice in preventing the spread of tuberculosis in such county, or for the purpose of disinfecting any building, room, residence, hotel, or other place in such county infected with tuberculosis.

§ 3. The board of county commissioners shall have authority to co-operate with neighboring counties to establish homes or hospitals for incurable tuberculosis patients.

Approved February 25, 1913.

COUNTY COURT

CHAPTER 125.

[S. B. No. 170—Hookway.]

PROCEDURE IN ABOLITION OF INCREASED JURISDICTION OF COUNTY COURTS.

AN ACT to Amend and Re-enact Section 3 of Chapter 78 of the Session Laws of North Dakota for the year 1909, Entitled "An Act to Amend Section 8288 of the Revised Codes of 1905, of the State of North Dakota, Relating to the Increased Jurisdiction of the County Courts, and Providing for Abolishing the Same."

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

§ 1. That Section 3 of Chapter 78 of the Session Laws of North Dakota for the year 1909 be amended and re-enacted to read as follows:

§ 3. DUTY OF DISTRICT COURT.] Whenever there shall

have been a reduction in the powers of the county court of increased jurisdiction, any cases left untried, or any unfinished business upon the calendar of the court and not properly triable in the Probate court, shall be continued over and placed upon the calendar of the district court of the judicial district in which said county is situated, without prejudice thereto, and such transfer shall in all things operate the same as if said causes had been originally filed in said district court, and the court on its own motion shall direct and authorize said actions to be entiled in the district court.

In any county wherein there shall have been such reduction in the powers of the county court of increased jurisdiction, the clerk of the district court of such county shall have the care and custody of all the records of the said county court, which relates to actions and proceedings within its civil and criminal jurisdiction. And any judgment of which has been rendered in said county court shall, on demand of a party in whose favor it has been rendered, and upon the payment of one dollar, be by the clerk of the district court of the said county entered in the judgment book and upon the judgment docket, and from the time of docketing thereof it becomes a judgment in the district court for the purpose of execution, and a lien upon real property owned by the debtor to the same extent as judgments originally entered in the district courts.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no manner provided by law for the transferring of said cases and judgments to the district court, this act shall be in force from and after its passage and approval.

Approved March 3, 1913.

CHAPTER 126.

[H. B. No. 314—O'Connor.]

DEEDS, JUDGMENTS, DECREES.

AN ACT to Legalize Deeds, Judgments and Decrees.

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

§ 1. DEEDS, JUDGMENTS DECREES LEGALIZED.] Deeds, judgments or decrees affecting the title to real property in this state, in good faith taken, made or rendered in favor of the estate of a person deceased prior to the first day of January, 1913, shall be construed and held to be made in favor of, and be in favor of, the executor or administrator (as the case may be) of the estate of such person deceased,

subject, however, to administration of such estate in the probate court of this state which shall be entitled to jurisdiction, and the same are hereby declared to be legal and valid for all purposes.

Approved March 15, 1913.

CHAPTER 127.

[H. B. No. 448—Twichell.]

COUNTY COURT FEES.

AN ACT to Amend Section 2589 of the Revised Codes of 1905, as Amended by Chapter 119 of the Session Laws of 1909, Relating to Fees in County Court.

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

§ 1. AMENDMENT.] Section 2589 of the Revised Codes of 1905 as Amended by Chapter 119 of the Session Laws of 1909 is hereby amended to read as follows:

§ 2589. COUNTY TO BE RE-IMBURSED. How.] For the purpose of re-imbursing the county for the salaries provided in the foregoing Sections to be paid to judges of county courts each petitioner for letters testamentary, or administration or guardianship, before filing the same in the county court, shall pay or cause to be paid into the county treasury for the use and benefit of the county in whose county court proceedings are to be instituted to settle the estate of a deceased person or for the appointment of a guardian the sum of five dollars, and when the value of said estate has been ascertained by the court through the inventory and appraisement or upon hearing of the same, as legally required, within thirty days after the issuance of letters testamentary, administration or guardianship, the judge of said court shall require an additional fee to be paid from said estate into said county treasury of five dollars for each and every one thousand dollars or fraction thereof in excess of the first one thousand dollars in value therein found after deducting the amount of the liens or encumbrances against the property of said decedent, as shown by said inventory and appraisement, and in all cases in addition thereto, all sums necessarily expended in publishing or serving notices required by law.

Approved March 15, 1913.

CHAPTER 128.

[S. B. 100—Hanley.]

DETERMINATION OF HEIRS.

AN ACT to Amend and Re-enact Chapter 121 of the Session Laws of 1911, Providing for the Determination of Heirs and the Share of Such Heirs Respectively in the Claims to Certain Real Estate by Action in the District Court.

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

§ 1. AMENDMENT.] Chapter 121 of the Session Laws of 1911 is hereby amended and re-enacted to read as follows:

HEIRS OR DEVISEES OF DECEASED ENTRYMEN, COURT MAY DETERMINE WHO ARE.] When any person holding a homestead or tree claim under the laws of the United States shall have died before patent therefor has been issued, and, by reason of such death, a patent or final certificate shall afterward be granted to "the heirs," or to "the devisees" of such person, the district court of the county in which the lands are situated may, in a civil action brought for that purpose, determine who are such heirs, or devisees, and determine their respective shares in said homestead or tree claim.

§ 2. PROCEDURE.] The provisions of the Code of Civil Procedure of North Dakota relating to the determination of adverse claims to real estate in so far as the same may be applicable shall pertain and govern the procedure in the action provided for in section 1 hereof.

§ 3. EMERGENCY.] Whereas, an emergency exists in this, that there is no law providing for determination of heirs or devisees in cases herein provided for; therefore, this act shall take effect and be in force immediately after its passage and approval.

Approved February 19, 1913.

CHAPTER 129.

[S. B. No. 373—Overson.]

INSANE PERSONS. RELEASED.

AN ACT to Amend and Re-enact Section 1904 of the Revised Codes of North Dakota for 1905.

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

§ 1. AMENMDENT.] That Section 1904 of the Revised Codes of North Dakota for 1905, be amended to read as follows:

§ 1904. PROCEEDINGS FOR RELEASE OF PERSONS ALLEGED NOT TO BE INSANE] On a statement in writing verified by affidavit, addressed to the county judge of the county in which the hospital is situated, or of the county in which any person confined in the hospital has his residence, alleging that such person is not insane and is unjustly deprived of his liberty, such judge shall appoint a commission of not more than three persons in his discretion, to inquire into the merits of the case, one of whom shall be a physician and if two or more are appointed, one shall be an attorney. Without first summoning the person to meet them, they shall proceed to the hospital and have a personal interview with such person so managed as to prevent him if possible, from suspecting its object; and they shall make any inquiries and examinations they may deem necessary and proper of the officers and records of the hospital, touching the merits of the case. If they shall deem it prudent and advisable they may disclose to the person the object of their visit, and in the presence of such person make further investigation of the matter. They shall forthwith report to such county judge the result of their examination and inquiries. Such report shall be accompanied by a statement of the facts and signed by the superintendent. After the receipt of such report, and before finding such patient sane or ordering his discharge, the county judge shall notify by registered letter, the nearest relative or friend of such patient, together with all persons appearing as witnesses at the hearing at which such patient was found to be insane, to appear before him not less than five (5) days after the mailing of such notice, to give testimony respecting the character of insanity of the patient, at and prior to the time such patient was committed, particularly with respect to matters affecting the question of whether the symptoms and actions of such patient at such time disclosed a character of insanity in which a recurrence would be expected, and which might render the discharge of such patient dangerous to his own or the public safety. If on such report and statement and hearing of the testimony, if any is offered, the county judge shall find the person sane, he shall order his discharge. If he shall find him insane he shall authorize his continued detention. The finding and order of such judge with the report and other papers, shall be filed in his office, and entered on his records and he shall forthwith notify the superintendent of his findings and order and the superintendent shall carry out such order. The commissioners appointed as provided in this section shall be entitled to their necessary expenses and a reasonable compensation to be allowed by such judge and paid by the state out of any funds not otherwise appro-

priated; *provided*, that the applicant shall pay the same if the judge shall find that such application was made without probable grounds, and shall so order.

Approved March 13, 1913.

CHAPTER 130.

[S. B. No. 387—Cashel.]

MORTGAGES.

AN ACT to Amend Section 8164 of the Revised Codes of 1905, Relating to the Approval of Mortgages Executed by an Administrator, Executor or Guardian.

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

§ 1. That Section 8154 of the Revised Codes of 1905 be amended to read as follows:

PETITION MUST SPECIFY.] A petition for the purpose specified in the preceding Section must specify the amount of money necessary to be raised, and the purpose for which the same is required with such further particulars as are required in a petition for the sale of real property. The decree must fix the amount for which the mortgage may be given and the rate of interest that may be paid thereon, and may order the whole or any part of the money so secured to be paid from time out of the income of the mortgaged property. The mortgage or other contract executed by the executor, administrator or guardian in pursuance thereof may be approved upon his report in the same manner as a sale made at public auction.

§ 2. **EMERGENCY.]** Whereas an emergency exists in that the confirmation of mortgages made by administrators, executors or guardians cannot be made on the first day of the next succeeding term without notice to all parties interested, this act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1913.

CHAPTER 131.

[H. B. No. 358—Divet, Lambert and Buck.]

COURT PRACTICE.

AN ACT Providing the Rules of Practice to Prevail in the District Courts, County Courts of Increased Jurisdiction, before Referees Appointed by Such Courts and in the Supreme Court, and Repealing Sections 7054, 7055, 7056, 7057, 7058, 7059, 7064, 7065, 7067, 7068, 7069, 7204 and all Other Laws in Conflict Herewith.

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

§ 1. In all trials in the district court and county courts of increased jurisdiction, the following matters shall be deemed expected (excepted) to, to-wit: the verdict of the jury; the final decision in an action or proceeding; an interlocutory order or decision finally determining the rights of the parties or some of them; an order granting or refusing a new trial; an order sustaining or overruling a demurrer; an order allowing or refusing to allow an amendment to a pleading; an order striking out a pleading or portion thereof; an order refusing a continuance, or an order made upon ex parte application, whether such orders be formally reduced to writing or announced orally and entered on the minutes of the court; all rulings of the court evoked by counsel and all remarks of the court made during the trial and all orders or decisions made in the absence of a party, and, they may be reviewed both as to questions of law and the sufficiency of the evidence to sustain them, upon motion for a new trial or upon appeal, as fully as if exception thereto had been expressly taken.

§ 2. To prepare the record in a case for presentation to the trial court on motion for a new trial or judgment non obstante, or to the supreme court on appeal, the moving party shall proceed as follows:

Within thirty days after the notice of the entry of judgment or the order to be reviewed, or such further time as the court shall allow, he must procure a transcript of the evidence and furnish a copy thereof to the adverse party with a notice that at a time not less than fifteen or more than thirty days from the service of such notice, he will present the same to the judge for certification as a correct transcript of the evidence and of all proceedings had and made matter of record by the official stenographer, and that, at the same time, he will ask the judge for a certificate identifying the exhibits and depositions in the case.

If the adverse party questions the correctness of the transcript, he shall, five days before the date set for the certification of such record, or within such further time as the court may allow, furnish to the parties serving the transcript, a notice of the particulars in which he claims it is inaccurate, and this notice shall be presented to the judge with the original notice and transcript at the time set or at a time to which the hearing thereon is extended. The judge shall thereupon make such corrections, if any, as shall be necessary to make the transcript correct and shall then attach thereto his certificate to the effect that it is a correct transcript of the proceedings, which certificate shall also clearly identify the exhibits and depositions in the case.

If there be any other documents, motions, orders or proceedings had during the progress of the case deemed by either party to be material to the questions to be reviewed, or if there be any proceedings in the case not resting in writing and not included in the stenographer's transcript, deemed by either party material to the questions to be reviewed, such party shall, if he be the moving party, furnish with the copy of the transcript a copy of what he claims such proceedings, documents or orders to have been and the adverse party may proceed to present corrections or additions thereto in the same manner as with the transcript; and, if the party desiring such matters incorporated in the record be not the party furnishing the transcript, he shall present such new matter to the judge in the same manner as corrections or additions to the transcript.

When such transcript and other matters are so certified by the judge and filed, they shall become a part of the judgment roll and shall be known as the statement of case.

§ 3. All acts of and proceedings by a referee, shall be deemed expected (excepted) to in the same manner and under the same conditions as though such proceedings had been before a district or county court, and in all trials before a referee in which such referee shall make findings of fact and conclusions of law, the prevailing party shall serve upon the other a copy of such findings and conclusions, after the same shall have been filed with the clerk of court, with a notice of the time of such filing, and either party may except to any such findings of fact or conclusions of law, by filing a written statement of such exceptions with the clerk within twenty days after the service of such copy of notice; and all such exceptions shall be incorporated in the statement of case which may thereafter be settled. When the findings of fact or conclusions of law of a referee are set aside or modified by the court, the action of the court in that regard shall be deemed excepted to.

§ 4. A party desiring to make a motion for new trial or to appeal from a judgment or other determination of a district court or county court with increased jurisdiction, shall serve with the notice of motion or notice of appeal, a concise statement of the errors of law he complains of, and if he claims the evidence is insufficient to support the verdict or that the evidence is of that character that the verdict should be set aside as a matter of discretion, he shall so specify.

A specification of insufficiency of the evidence to sustain the verdict or decision of the court shall point out wherein the evidence is insufficient and it shall be proper to include in such specification, specifications of facts conclusively established, together with the fact claimed not to be established, in such manner as to intelligently show wherein, on the whole case, the verdict or decision is not supported by the evidence.

§ 5. It shall not be necessary in any case for a person intending to make a motion for a new trial to serve a notice of intention to make such motion.

§ 6. A motion for a new trial upon the ground of newly discovered evidence may be made at any time within six months from the rendition of the verdict or decision. All applications for a new trial, made upon the minutes of the court, must be heard upon eight days' notice, within sixty days after the return of the verdict or decision of the court or such further time as the court, for good cause shown, shall allow; and on such hearing reference may be had to the pleadings, orders of the court, documentary evidence, stenographic report of the testimony, and any and all other matters that might be incorporated in a statement of the case.

Application for a new trial based upon a statement of case or affidavits, or both, except applications upon the ground of newly discovered evidence, must be heard within sixty days after the rendition of the verdict or notice of the decision of the court to be reviewed, or such further time as the court shall allow.

In case a motion for a new trial is made upon the minutes of the court, either party desiring to review the decision of the court upon such motion may proceed in the same manner and within the same time to have settled a statement of case as hereinbefore provided for the settlement of such statement after verdict or decision.

§ 7. The court or judge may, upon good cause shown, in furtherance of justice, extend the time within which any of the acts mentioned in Sections 1, 2, 3, 4, 5 and 6 of this

Act, may be done or may, after the time limited therefor has expired, fix another time within which any of such acts may be done.

§ 8. With all orders granting or refusing a new trial, the judge shall file a written memorandum concisely stating the different grounds on which his ruling is based, and unless the insufficiency or unsatisfactory nature of the evidence is expressly stated in such memorandum, as a reason for granting the new trial, it shall be presumed, on appeal, that it was not on that ground.

§ 9. No motion for a new trial shall be necessary to obtain, on appeal, a review of any questions of law or of the sufficiency of the evidence, unless, before the taking of the appeal, the judge shall notify counsel of the party intending to take the appeal that he desires such motion to be made. Such notice may be given in open court in the presence of such counsel and entered on the minutes of the clerk of court, or given in writing and filed with the clerk as a part of the record.

§ 10. All instructions of the court to the jury, when filed in the office of the clerk of said court, shall be deemed a part of the judgment roll.

§ 11. All instructions given by the court to the jury must be read to them by the court without disclosing whether such instructions were requested or not and must be signed by the judge and delivered to the jury, and shall be taken by the jury in their retirement and be returned with their verdict into court, and, at the close of the trial all instructions, given or refused, must be filed with the clerk, provided that with the consent of both parties entered in the minutes, the court may instruct the jury orally, in which case such oral instructions shall be taken down by the official stenographer and written out at length in typewriting, and the shorthand notes thereof, together with the instructions so typewritten, shall be filed in the office of the clerk of court, and the official stenographer shall receive, for writing out such instructions, the same fees as for making transcripts, and when oral instructions are given the jury shall not take the charge in their retirement unless it is after being transcribed, so ordered.

All instructions to the jury, whether given in writing or orally, shall be deemed excepted to, unless the court before giving them asks for exceptions to be noted, in which case all proceedings connected with the taking of exceptions shall be in the absence of the jury and a reasonably sufficient time shall be allowed counsel to take such exceptions.

§ 12. Judgment upon an issue of law or fact or upon confession or upon failure to answer may be entered by the clerk upon the order of the court or the judge thereof, and on failure of the prevailing party to cause judgment to be entered within thirty days after the trial, the other party may, on ten days' notice, cause the same to be entered without prejudice to any of his rights to attack the same, and it shall be the duty of the clerk of court immediately upon the entering of such judgment to cause the same to be duly docketed as provided by law.

§ 13. In addition to the matters already provided by law to be included in a judgment roll, there shall be included in and the clerk of court shall attach thereto the following papers, to-wit:

The application and notice of motion for a new trial, the specifications of errors of law and of insufficiency of the evidence, the order of the court granting or denying a new trial, together with the memorandum of his reasons and the notice of appeal and undertaking thereon.

§ 14. An appeal from a judgment may be taken within six months after the entry thereof by default or after written notice of the entry thereof, in case the party against whom it is entered has appeared in the action; and from an order within sixty days after written notice of the same shall have been given to the party appealing; *provided*, however, that upon a showing of reasonable diligence by the appellant, the district, or in case of its refusal so to do, the supreme court may order that the record shall remain in the district court for such time as shall be necessary to enable the appellant to properly prepare and have the same certified.

§ 15. Upon any appeal to the supreme court, it shall not be necessary to file or use any printed abstract or statement of the case, but in lieu thereof, the appellant shall cause to be filed in the lower court and returned to the supreme court with the other record, two copies, in addition to the original, of the statement of case as settled and certified.

The briefs of both parties shall be printed, and that of the appellant shall contain in the front thereof, all of the pleadings and the decision complained of, together with the specifications of error or insufficiency of the evidence served with the notice of motion for a new trial or notice of appeal. They shall also contain a concise statement of the history of the litigation, a concise statement of the propositions, of the law to be argued and the manner in which they arise on the record, the argument in support of the propositions, citation of authorities and such extracts from the rec-

ord as counsel shall deem necessary to a full understanding of the questions discussed. The briefs shall refer to the pages of the statement of case and in an intelligent manner to the exhibits, papers and other matters making up the original record. Except in regard to matters herein particularly provided, the brief shall be printed and prepared to conform to the rules of the supreme court as may be promulgated from time to time, and such number of copies thereof shall be filed as may be provided by the rules of said court.

Provided, however, upon appeal from a judgment or order in an action for the recovery of money only or of specific real or personal property, in which action the amount in controversy, exclusive of costs, does not exceed three hundred dollars (\$300.00), the brief may be typewritten and need not be printed, and only five copies thereof need be filed in the supreme court; and, if either party in cases in which printed briefs are not required shall file such printed briefs, he shall recover not exceeding ten dollars (\$10.00), for the printing thereof in case he is awarded judgment for costs on appeal.

§ 16. Upon request of any party the official stenographer of the district or county court shall, at the time of making a transcript of the proceedings, make four additional copies thereof, and for the making of said four copies, such stenographer shall be entitled to charge, in addition to his fee for the making of the original transcript, ten cents (\$0.10) per folio of one hundred words.

§ 17. REPEAL.] Sections 7054, 7055, 7056, 7057, 7058, 7059, 7064, 7065, 7067, 7068, 7069 and 7204 of the Revised Codes of 1905, and all other sections or parts of sections of the codes of this state, and all Acts or parts of Acts of the legislative assembly of this state in conflict herewith are expressly repealed.

§ 18. The provisions of this Act are not taken or borrowed from the statutes of any other state, and in so far as they may be the same or similar to any other statutes, they are not to be deemed as taken with any construction that may have been placed thereon by the courts of any other state, and it shall be the duty of the courts of this state to construe them as original enactments under the ordinary rules of construction.

Approved March 13, 1913.

COUNTY OFFICERS

CHAPTER 132.

[S. B. No. 103—Davis.]

REMOVAL OF OFFICERS.

AN ACT For An Act Providing for the Removal of Certain County, Township, Municipal and Other Officers.

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

§ 1. The governor may remove from office any county commissioner, clerk of the district court, county judge, sheriff, coroner, county auditor, register of deeds, state's attorney, county treasurer, superintendent of schools, county commissioners, surveyor, public administrator, mayor, chief of police, deputy sheriff or other police officer, or any custodian of public moneys, except the state treasurer, whenever it appears to him by competent evidence and after a hearing as hereinafter provided that such officer has been guilty of misconduct, malfeasance, crime in office, or for habitual drunkenness or gross incompetency.

§ 2. The complaint or charges against any such official authorized to be removed by the governor shall be entitled in the name of the state of North Dakota, and shall be filed with the governor. It may be made on the relation of any five qualified electors of the county in which the person charged is an officer or the state's attorney of such county, and such complaint or charges shall be filed by the attorney general when directed so to do by the governor. When the officer sought to be removed is one other than the state's attorney, it shall be the duty of the state's attorney, to appear and prosecute and when proceedings are brought to remove the state's attorney, the governor shall request the attorney general or some other competent attorney to appear on behalf of the state and prosecute such proceedings.

§ 3. The complaint or charges shall state the charges against the accused, and unless filed by the state's attorney or attorney general shall be verified, and may be amended as in ordinary actions; *provided*, that if such amendment of the complaint or charges include any new

or additional charge, then a reasonable time should be allowed the accused to prepare his defense thereto.

§ 4. Whenever charges are made against any such officer, the governor shall appoint a special commissioner to take and report the testimony for and against the accused, to be used on the hearing. Such testimony shall be reduced to writing and each witness shall subscribe his name to his testimony, when same is so reduced, and the governor in his discretion may, if in his judgment the best interests of the state shall require it to be done, by written order to be delivered to such officer suspend such accused officer from the performance of duty during the pendency of the hearing. If the governor shall so suspend the accused, he shall immediately notify the board or persons authorized to fill a vacancy in such office and thereupon such board or person shall, within five days after receipt of such notice, appoint some competent person to fill such office and perform the duties thereof *ad interim*.

§ 5. Upon the filing of any such complaint or charges the governor shall, within ten days, cause a copy thereof to be made and served upon the accused, together with a notice of the time and place of taking testimony and the name of the special commissioner before whom such testimony will be taken, and the date fixed for the taking of such testimony shall not be more than twenty days from the service of the copy of charges against the accused.

§ 6. Whenever testimony has been taken upon charges filed against any officer, as hereinbefore provided, it shall be the duty of the special commissioner to forthwith report all such testimony to the governor and file the same in his office, and thereupon the governor shall fix a time and place for hearing on a day not more than ten days from the date of the filing of the commissioner's report, and not less than five days from the date of the service of notice of such hearing upon the accused at which hearing the accused shall be entitled to be heard in person or by attorney. If upon the hearing the charges are sustained, the governor shall forthwith make his order in writing, removing such officer from his office and cause a copy of such order to be delivered to the accused and one copy to be delivered to the board or persons having authority to fill a vacancy in such office, and thereupon such board or person shall, within five days thereafter, appoint some competent person to fill such office and perform the duties thereof, unless the accused had, prior to the final hearing, been suspended as hereinabove provided, and an *ad interim* appointment made. In such case the person appointed to

such office *ad interim* shall continue until the expiration of the term for which the accused had been elected or appointed; *provided*, however, that in all cases where the accused person so removed deems himself aggrieved thereby, he shall be entitled to appeal from the decision of removal so made by the governor to any district court in this state upon filing a notice of appeal therefrom in the office of the secretary of state within fifteen days after the date thereof. Such notice to set forth the grounds of appeal and thereupon such accused person shall be entitled to a trial *de novo* in such court as now provided by law, *provided*, that such trial be not held in the county wherein the accused resides.

§ 7. The fees of the special commissioner herein provided for shall be the same as allowed by law to referees, and witness giving testimony for the prosecution before such commissioner shall be allowed the same fee as witnesses in district court. In cases of removal of a county officer, such fees shall be paid by the county upon allowance by the county board in the same manner as other claims against the county and if a municipal or township officer, then by the city council, commission or township board, in the same manner as other claims against such municipality. If in such proceedings the commissioner shall authorize the taking of the testimony by a shorthand reporter, the fees of such reporter shall be the same as allowed the district court reporter, for like services and such fees shall be allowed in the same manner as the fees of the commissioner and witnesses.

§ 8. When a special commissioner shall have been appointed as herein provided for, such commissioner shall forthwith take an oath and file same with the governor that he will impartially and to the best of his knowledge and ability, without fear, favor or prejudice cause to be taken all the testimony and evidence offered at the hearing for and on behalf of the prosecution and accused, together with all papers and other exhibits offered by either party, carefully preserve the same; that he will cause all of the oral testimony offered at the hearing to be correctly and fully transcribed, and as speedily as may be after the hearing attest the same as a full, true and complete record of all the evidence and testimony, including all exhibits offered at said hearing by either party, and cause same to be filed with the governor. Upon having taken and filed such oath the commissioner shall have authority to issue subpoenas for persons and subpoenas *duces tecum*, and administer oaths to witnesses, the same as now conferred

upon justices of the peace, and such subpoenas may be directed to any sheriff, constable, chief of police or city marshal, who shall immediately serve the same, and such officer shall be entitled for his services in serving the same to the same fees as are now allowed to constables for serving subpoenas in civil cases in justice court, and such fees when served for the prosecution, shall be paid in the same manner as herein provided for witness fees for the prosecution, and commissioner fees; when served for the accused the accused shall be liable therefor to the officer serving the same. *Provided*, that such officer may demand of the accused his fees in advance for serving any subpoena for which the accused is liable, and that any witness subpoenaed by the accused may demand in advance from the accused his mileage and one day's witness fee before he shall be compelled to attend the hearing for which he has been subpoenaed.

§ 9. When charges are preferred against any of the officers mentioned in this Act by qualified electors other than the state's attorney or attorney general as provided in Section 2, and upon the hearing it should appear that such charges were not reasonably sustained by the facts proven at such hearing, or that such charges were not preferred in good faith, then all of the costs of the proceedings under this Act, not exceeding in the amount of one hundred dollars, may in the discretion of the governor be taxed to the persons making such charges.

§ 10. If costs shall be taxed against the persons preferring charges against any of the officers mentioned in this Act, it shall be the duty of the governor to certify such costs to the state's attorney of the county effected and it shall then be the duty of such state's attorney to proceed to put the same into judgment and to cause such judgment to be filed in the office of the clerk of district court in such county; and such certificate of the governor shall be prima facie evidence of the amount of costs therein stated.

Approved March 17, 1913.

DEEDS

CHAPTER 133.

[S. B. No. 151—Plain.]

LEGALIZING EXECUTION AND ACKNOWLEDGMENT OF CERTAIN DEEDS.

AN ACT to Legalize the Execution and Acknowledgment of Certain Deeds, Mortgages, and Other Instruments in Writing, and the Record Thereof, and Making the Same or Certified Copies Thereof, Admissible in Evidence.

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

§ 1. EXECUTION, ACKNOWLEDGMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording of all deeds, mortgages and other instruments in writing, affecting the title to real property in this state, in good faith made, taken or certified to prior to the first day of January, 1913, and which have been filed or recorded in the proper counties of this state, be, and the same are hereby, declared to be legal and valid for all purposes, anything in the laws of the territory of Dakota or the state of North Dakota, or of any other state, territory or country at the time of such execution, acknowledgment, witnessing, filing or recording, to the contrary notwithstanding.

§ 2. ACTS OF EXECUTORS, ADMINISTRATORS, DEPUTIES, OFFICERS OR ATTORNEYS-IN-FACT LEGALIZED.] The acts of all properly appointed and constituted executors, administrators, officers of corporations, deputy public officials and attorneys-in-fact, done in good faith, in the execution and acknowledgment of such instruments, are hereby declared to be legal and valid for all purposes, notwithstanding the fact that such executor, administrator, officer, deputy officer or attorney-in-fact may not have signed the same in the form provided by law in force at that time, or that the same was not sealed or stamped as required by laws in force at the time of such execution, and notwithstanding the fact that the certificate of acknowledgment thereon may not be in the form required or sealed as required by any laws in force at the time of making the same.

§ 3. ACKNOWLEDGMENTS LEGALIZED.] The acts of all notaries public or other officers, done in good faith in tak-

ing or certifying to the acknowledgments of such instruments, whether such officers were qualified or otherwise by law at the time to do so or not, are hereby declared legal and valid for all purposes.

§ 4. GOOD FAITH PRESUMED.] Good faith shall be presumed on the part of all persons and officers in the execution, acknowledgment, filing and recording of such instruments, and it shall be prima facie presumed that such officer acted within the scope of his authority.

Approved March 1, 1913.

DISINFECTING SECOND HAND GOODS

CHAPTER 131.

[S. B. No. 256—Gronvold.]

DISINFECTING SECOND-HAND GOODS.

AN ACT to Require Dealers Selling or Disposing of Second-Hand Furniture or Wearing Apparel to Disinfect Same Before Offering Same for Sale.

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

§ 1. It shall be the duty of every person, firm or corporation dealing in second-hand furniture, before selling or exchanging, or offering for sale or exchange, or intending to sell or offer for sale or exchange to the public in this state, second-hand furniture, bed clothes, wearing apparel, or any articles, including kitchen equipments and utensils of every description ordinarily used in furnishing, equipping or decorating a home, to disinfect thoroughly each and every such article before the same shall be sold or exchanged, or offered for sale or exchange, or in any manner disposed of, in a manner approved or prescribed by the state board of health, and it shall be the duty of the said board to prescribe the rules and regulations necessary to secure proper disinfection, as contemplated in this Act, and such other rules relative to the working or tagging of disinfected articles, as in the judgment of said board may be necessary to the proper safeguard of the public from contagious infection.

§ 2. Any persons violating any of the provisions of this Act in selling or offering for sale or exchange any article or articles of furniture without first having disinfected the same as required herein shall be guilty of a misdemeanor, and shall be fined in a sum not less than twenty-five dollars

and not more than one hundred dollars, or be imprisoned in the county jail for not less than thirty days nor more than ninety days, in the discretion of the court.

Approved March, 11, 1913.

DISTRICT COURTS

CHAPTER 135.

[H. B. No. 1—Moen of Benson.]

RELATING TO SUMMONING OF JURORS.

AN ACT to Amend Sections 525 and 527, of the Revised Codes of 1905, Relating to the Summoning of Jurors:

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

§ 1. AMENDMENT.] Section 525 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 525. DUTIES OF THE CLERK OF COURT.] Such clerk shall on the day of the drawing aforesaid issue a venire, or venires, as the case may be, directed to the proper officer of the county, commanding such officer to summon the persons whose names are drawn to appear before the district court at the hour, day and place designated in the order of the judge. A separate venire shall issue for the grand jury when such jury is ordered. It shall be the duty of the clerk, when issuing such venire for jurors as aforesaid to ascertain and insert therein their post office addresses.

§ 2. AMENDMENT.] Section 527 of the Revised Codes is hereby amended to read as follows:

§ 527. VENIRE, HOW SERVED.] The officer receiving a venire shall forthwith serve the same by addressing to each person therein whose post office address is given in said venire, or can be promptly ascertained by such officer, a true and correct copy of such venire, containing the name only of the juror to be served, enclosed in an envelope addressed to the person to be summoned as above provided, with the postage prepaid, and shall be registered and deposited in the post office. The envelope containing such copy of venire shall have printed thereon, in the usual form, a request that the same be returned to the sender if it is not delivered within five days, and shall have written or printed thereon the words, "Return Receipt Demanded." The receipt of such registered copy of venire by the person to whom addressed shall be deemed personal service upon

him of such venire, and the return registry receipt, signed by such person, or by any other by him apparently authorized to sign the same in his behalf, shall be prima facie evidence of such service, and the officer shall make return accordingly. If the copy of venire herein provided for is returned to such officer through the post office, not delivered, or when a jury is called forthwith such officer shall make, or cause to be made, personal service of the venire in the manner provided by law for the service of summons in civil actions, and shall make return thereof with his proceedings indorsed thereon to the clerk as soon as he has made such service.

§ 3. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. EMERGENCY.] Whereas, no provision of law exists for summoning jurors by mail, therefore an emergency exists, and this act shall take effect and be in force from and after the date of its passage and approval.

Approved February 26, 1913.

CHAPTER 136.

[H. B. No. 369—Twichell.]

PROVIDING LENIENCY FOR FIRST OFFENDERS.

AN ACT to Provide for Suspension or Modification of Sentences of Persons Convicted of Misdemeanors.

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

§ 1. COURT MAY SUSPEND OR MODIFY SENTENCE, WHEN.] In all prosecutions for misdemeanors where the defendant has been found guilty, and where the court or magistrate has power to sentence such defendant to the county jail, and it appears that the defendant has never before been imprisoned for crime, either in this state or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment), and where it shall appear to the satisfaction of the court or magistrate that the character of the defendant and circumstances of the case are such that such defendant is not likely again to engage in an offensive course of conduct, and where it appears that the public welfare does not demand or require that the defendant shall suffer the penalty imposed by law, said court or magistrate may suspend the execution of the sentence or may modify or alter the sentence imposed in such manner as to the court or magistrate, in view of all the circumstances, seems just and right.

Approved March 6, 1913.

CHAPTER 137.

[H. B. No. 393—Buck.]

SATISFACTION OF JUDGMENTS, PENDING APPEAL.

AN ACT Providing for the Satisfaction of Judgments Pending an Appeal Therefrom to the Supreme Court.

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

§ 1. Any judgment debtor upon a money judgment duly docketed in the district court from which judgment an appeal has been perfected to the supreme court by the judgment creditor may cause the said judgment to be released as a lien against the real property of said judgment debtor by depositing with the clerk of the district court in which said judgment was originally entered a sum of money equal to one and one-third of the amount of said judgment with interest and costs, and upon such deposit it shall be the duty of said clerk to satisfy and discharge the said judgment as a lien against the real property of said judgment debtor. *Provided*, further, that in lieu of depositing the money as aforesaid the judgment debtor may file with the clerk of the district court a good and sufficient bond executed, delivered, and acknowledged, as provided by law for the execution of a bail bond conditioned for the payment of said judgment upon its final determination in the appellate court, or at any time upon the dismissal of said appeal, which said bond shall be approved by the judge of the district court.

EMERGENCY.] Whereas, an emergency exists in that in this state there is no law governing the provisions of this act, this act shall be in effect immediately upon its passage and approval.

Approved March 6, 1913.

CHAPTER 138.

[H. B. 453—Twichell.]

COURT PRACTICE, COUNTY COURT.

AN ACT to Amend Section 9 of Chapter 80 of the Session Laws of North Dakota for the Year 1909, Relating to Practice in County Courts Having Increased Jurisdiction.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 80 of the Session Laws of North Dakota for the year 1909 be and the

same is hereby amended to read as follows:

§ 9. TERMS OF COURT.] The regular term of the county court shall be held at the county seat, commencing on the first Tuesday of each calendar month, for the trial of such civil and criminal cases as may be brought before such court, and a jury shall be called at any regular term when there is one or more criminal cases in which the defendant is confined in jail and demands a trial ten days before the opening of such term of five or more civil cases in which a jury trial is so demanded for trial.

Approved March 14, 1913.

CHAPTER 139.

[H. B. No. 420—Judiciary Committee.]

SECOND JUDICIAL DISTRICT.

AN ACT to Amend Section 270 of the Revised Codes of 1905 of the State of North Dakota, as Amended by Chapter 172 of the Session Laws of 1911 of the State of North Dakota, Relating to the Boundaries of, and Terms of Court in, the Second Judicial District.

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

§ 1. That Section 470 of the Revised Codes of 1905 as amended by Chapter 172 of the Session Laws of 1911 be and the same is hereby amended to read as follows:

§ 470. BOUNDARIES AND TERMS OF COURT.] The second judicial district consists of the counties of Ramsey, Towner, Rolette, Benson and Eddy, and two terms of the district court shall be held each year at the county seat of each of said counties as follows:

In Ramsey county commencing on the first Monday in March and the second Monday in November;

In Towner county commencing on the third Monday in March and the fourth Monday in November;

In Benson county commencing on the first Monday in June and the second Monday in December;

In Rolette county commencing on the third Monday in June and the first Monday in January;

In Eddy county commencing on the third Monday in May and the second Monday in October.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1913.

CHAPTER 140.

[S. B. No. 68—Kretschmar.]

TERMS OF COURT, FOURTH JUDICIAL DISTRICT.

AN ACT Repealing Chapter 175 of the Session Laws of 1911, Relating to the Terms of Court in Various Counties Comprising the Fourth Judicial District of This State.

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

§ 1. Chapter 174 of the Session Laws of 1911, entitled, "An act fixing the terms of court in the various counties comprising the Fourth Judicial District of this State, and the beginning and duration thereof," be and the same is hereby repealed.

Approved February 5, 1913.

CHAPTER 141.

[H. B. No. 426—Judiciary Committee.]

FIFTH JUDICIAL DISTRICT.

AN ACT to Amend Section 473 of the Revised Codes of North Dakota for the Year 1905, as Amended by Chapter 74 of the Session Laws of 1909, Relating to the Boundaries of and Terms of Court in the Fifth Judicial District.

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

§ 1. AMENDMENT.] Section 473 of the Revised Codes of the State of North Dakota for the year 1905 as amended by Chapter 74 of the Session Laws of 1909 of the State of North Dakota, is hereby amended to read as follows:

§ 473. BOUNDARIES AND TERMS OF COURT.] The Fifth Judicial District shall consist of the counties of Stutsman, Barnes, LaMoure, Wells, Griggs and Foster and two terms of the district court shall be held each year at the county seat of each of said counties as follows:

In Stutsman county commencing on the third Monday in June and the second Monday in December;

In Barnes county commencing on the first Monday in January and the first Monday in June;

In LaMoure county commencing on the first Monday in February and the fourth Monday in September;

In Wells county commencing on the third Monday in July and the third Monday in January.

In Griggs county commencing on the second Monday in May and the second Monday in November.

In Foster county commencing on the first Monday in May and the second Monday in October.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 13, 1913.

CHAPTER 142.

[H. B. No. 421—Judiciary Committee.]

SIXTH JUDICIAL DISTRICT.

AN ACT to Amend Section 474 of the Revised Codes of North Dakota for 1905, as Amended by Chapter 171 of the Laws of 1911, Relating to the Boundaries of and Terms of Court in the Sixth Judicial District.

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

§ 1. AMENDMENT.] Section 474 of the Revised Codes of North Dakota for 1905 as amended by Chapter 171 of the Laws for 1911 is amended to read as follows:

§ 474. BOUNDARIES AND TERMS OF COURT.] The Sixth Judicial District consists of the Counties of Burleigh, Emmons, Kidder, McLean, Sheridan and Logan and is divided into judicial subdivisions as follows:

1. The first subdivision consists of the county of Burleigh and four terms of the district court shall be held each year at the county seat thereof, commencing on the third Tuesday in February, the second Tuesday in May, the first Tuesday in September and the second Tuesday in December, but a jury shall not be called for the February and September term of court unless in the opinion of the judge there is sufficient business of the court to require a jury.

2. The second subdivision consists of the county of Emmons and two terms of the district court shall be held each year at the county seat thereof commencing on the first Tuesday in February and the first Tuesday in October.

3. The third subdivision consists of the county of Kidder and two terms of the district court shall be held at the county seat thereof each year commencing on the second Tuesday in January and the third Tuesday in June.

4. The fourth subdivision consists of the county of McLean and two terms of the district court shall be held each year at the county seat thereof commencing on the second Wednesday in June and the second Wednesday in November.

5. The fifth subdivision consists of Sheridan county and two terms of the district court shall be held therein at the county seat each year commencing on the second Tuesday in March and the third Tuesday in October.

6. The sixth subdivision consists of the county of Logan and two terms of the district court shall be held each year at the county seat thereof commencing on the first Tuesday in April and the fourth Tuesday in November.

All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1913.

CHAPTER 143.

[H. B. No. 14—Hedalen.]

BOUNDARIES AND TERMS OF COURT, SEVENTH JUDICIAL DISTRICT.

AN ACT Relating to the Boundaries, Terms of Court and Chambers of the District Judge of the Seventh Judicial District, Amending Section 475 of the Revised Codes of 1905, as Amended by Chapter 75, Laws of 1909.

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

§ 1. AMENDMENT.] Section 475 of the Revised Codes of 1905, as amended by Chapter 75 of the Laws of 1909, is hereby amended to read as follows:

§ 475. BOUNDARIES, CHAMBERS AND TERMS OF COURT.] The Seventh Judicial District consists of the counties of Pembina, Walsh and Cavalier, and terms of court shall be held in each of said counties in each year as follows:

In the county of Pembina, at Cavalier, commencing on the first Tuesday of January, the first Tuesday in June, the first Tuesday in April and the first Tuesday in October.

In the county of Cavalier, at Langdon, commencing on the first Tuesday of December, the second Tuesday in June, the first Tuesday in March, and the second Tuesday in September.

In the county of Walsh, at Grafton, commencing on the fourth Tuesday in January, the fourth Tuesday in June, the third Tuesday in November, and the third Tuesday in March.

Provided, that at the terms of court appointed to be held in such counties for the months of March, April, September, October and November, no jury shall be called unless called by the court for the trial of criminal cases.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby expressly repealed.

§3. EMERGENCY.] Whereas, an emergency exists in this, that the judicial business of Pembina county requires that terms of court should be held therein prior to July 1st, 1913, and no statutory provisions exist for holding court at the present county seat of Pembina county, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 19, 1913.

CHAPTER 141.

[S. B. No. 292—Hoverson.]

TERMS OF COURT.

AN ACT to Amend and Re-enact Chapter 168 of the Session Laws of 1911, Defining the Tenth Judicial District, and Providing for Holding Terms of Court Therein.

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

§ 1. Section 1 of Chapter 168 of the Session Laws of 1911 is hereby amended to read as follows:

§ 1. DEFINED. TERMS OF COURT.] The Tenth Judicial District consists of the counties of Stark, Billings, Dunn, Hettinger, Bowman, Adams and Golden Valley, and all unorganized territory lying within the boundaries of any of said counties, and said district is divided into judicial sub-divisions as follows:

1. The first sub-division consists of the county of Stark, and four terms of the district court shall be held therein each year at Dickinson, the county seat of said county, commencing on the third Tuesday in May, the first Tuesday in September, and the first Tuesday in December, and the first Tuesday in March; *provided*, that no jury shall be summoned for the September and March terms, excepting upon the order of the judge of said court.

2. The second sub-division consists of the county of Billings, and three terms of the district court shall be held therein each year at Medora, the county seat of said county, commencing on the first Tuesday in January, and the first Tuesday in June, and at such other time as the judge of the district court may designate but no jury shall be called for the third term, excepting by order of the judge.

3. The third subdivision consists of the County of Dunn, and two terms of the district court shall be held therein each

year at Manning, the county seat of said county, commencing at such time as the judge of said court shall direct.

4. The fourth sub-division consists of the county of Hettinger, and two terms of the district court shall be held therein each year at Mott, the county seat of said county, commencing on the second Tuesday in February and the first Tuesday in October.

5. The fifth sub-division consists of the County of Bowman, and two terms of the district court shall be held therein each year at Bowman, the county seat of said county, commencing on the third Tuesday in June and the second Tuesday in November.

6. The sixth sub-division consists of the county of Adams, and two terms of the district court shall be held therein each year at Hettinger, the county seat of said county, commencing on the first Tuesday in April and the third Tuesday in October.

7. The seventh sub-division consists of the county of Golden Valley, and two terms of court shall be held therein each year at Beach, the county seat of said county, commencing on the third Tuesday in January, and the second Tuesday in July.

§ 2. In the event of any new county or counties being created within the said Tenth Judicial District it shall be the duty of the judge of said court to hold two terms of the district court in each year in each new county that is created out of the territory within the said Tenth Judicial District at such times as the judge of said court shall direct.

§ 3. CHAMBERS OF THE JUDGE.] The court of the tenth judicial district shall, excepting such times as the court is actually engaged in the holding of a term of said court in any of the counties of said district, have its chambers for the purpose of holding and transacting such business as may come before it, at Dickinson, the county seat of Stark county, on the first Monday in each month.

§ 4. REPEAL.] All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

§ 5. EMERGENCY.] An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1913.

CHAPTER 145.

[S. B. No. 253—Hanley.]

TERMS OF COURT, TWELFTH DISTRICT.

AN ACT Fixing the Terms of Court in the Twelfth Judicial District.

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

§ 1. TERMS OF COURT.] Four terms of the district court for the first sub-division of the Twelfth Judicial District consisting of the County of Morton, shall be held each year at Mandan, the county seat of said county; which said terms shall commence on the fourth Monday in March and the third Monday in June, the third Monday in September and the first Monday in December; *provided*, that no jury shall be called for the March and September terms, except upon the order, of the judge for the trial of criminal cases, but when a jury is called at such terms, the court may in its discretion take up the trial of civil jury cases in addition to such criminal cases.

§ 2. Two terms of the district court of the second sub-division of the Twelfth Judicial District, consisting of the county of Oliver, shall be held each year at the county seat of said county; which said terms shall commence on the first Monday in June and the third Monday in October.

§ 3. Two terms of the district court of the third sub-division of the Twelfth Judicial District, consisting of the county of Mercer, shall be held each year at the county seat of said county, which said term shall commence on the second Monday in March and the third Monday in November.

§ 4. EMERGENCY.] Whereas, an emergency exists in that the proper dispatch of judicial business requires that the terms of court in said districts be immediately changed, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1913.

CHAPTER 146.

[H. B. No. 20—Olgard.]

VALIDATING EXECUTION SALES.

AN ACT Validating Certain Execution Sales Heretofore Made, and Limiting the Time Within Which the Same May be Attacked.

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

§ 1. SALES VALIDATED.] Wherever lands in this state have heretofore been sold under execution issued on a judgment against a judgment debtor, who had died prior to the levy of such execution, such sale is hereby declared good and valid to the same extent, as though the judgment debtor had been alive at the time of sale.

§ 2. LIMITATION.] No action or defense shall be maintained in any court questioning the validity of any such sale, or any title based thereon, unless such action is commenced or defense interposed within one year after the taking effect of this act.

§ 3. EMERGENCY.] Whereas, an emergency exists in that in the past large numbers of tracts of land have been sold upon execution, and no public record discloses whether the judgment debtor was alive at the time of the levy of execution and sale the title to such lands is left unsettled, this act shall take effect immediately after its passage and approval.

Approved February 18, 1913.

DRUGS AND DRUG SAMPLES

CHAPTER 147.

[H. B. No. 429—Leu.]

DISTRIBUTION OF DRUGS.

AN ACT to Amend and Re-enact Section 9453 of the Revised Codes of 1905, Pertaining to the Promiscuous Distribution of Drug Samples.

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

§ 1. AMENDMENT.] Section 9452 of the Revised Codes of 1905 is hereby amended and re-enacted and made to read as follows:

§ 9452. DISTRIBUTION OF DRUG SAMPLES PROHIBITED.] Any

person who shall, by himself, his servant or agent, or as the servant or agent of any other person, leave, throw or deposit upon the door step or premises or within dwellings or within barns or other buildings owned or occupied or used by any other person or any house holder without a special personal request, as hereinafter specified, of such person or householder, any patent or proprietary medicine or any preparation, pill, tablet, powder, capsule, cosmetic, disinfectant or antiseptic or any drug or medicine or condiment that contains poison or any ingredient that is deleterious to health or that has to be printed under the laws of this state or of the United States, on the label thereof, or have its presence therein disclosed otherwise, a sample, or any quantity or size whatever for the purpose of advertising or inviting or suggesting its use shall be deemed guilty of a misdemeanor and any health officer, peace officer, or other person may bring or have brought an action in the name of the state of North Dakota, and upon conviction thereof defendant shall be fined not exceeding one hundred dollars and not less than twenty-five dollars, or imprisoned in the county jail not exceeding one hundred or less than thirty days, or both, for each and every violation. And such samples of goods are, and are hereby declared to be a nuisance and a danger and a menace to the safety of the children, members or live stock and other living beings of such household and if not removed upon notice or request or order of the householder or any member of the household, or if left behind purposely and if not removed within twenty-four hours without notice or request they may be removed, destroyed or annihilated and disposed of, or done away with by such person or householder or any member of his household, and no accounting will have to be rendered therefore to any one and no action demanding such accounting shall be maintained or be maintainable in any court of justice and no defense for any violation of this act shall be competent or valid or be sustained, unless a receipt or a request for such goods, dated and signed by such person or householder at that time, in person, is produced as evidence. The terms drug, medicine, patent or proprietary medicine, pill, tablet, powder, capsule, cosmetic, disinfectant or antiseptic or condiment, as used in this section shall include all remedies for internal or external or technical use, either in packages or bulk, simple mixed or compound.

Approved March 13, 1913.

EDUCATIONAL INSTITUTIONS

CHAPTER 148.

[S. B. No. 138—Bond.]

EDUCATIONAL TAX.

AN ACT to Amend Sections 838, 839, 840 and 841, Chapter 9, of the Political Code of the State of North Dakota, Revised Codes of 1905, Relating to Education, as Amended by Chapter 107 of the Session Laws of 1907.

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

§ 1. AMENDMENT.] Section 838 be and the same is hereby amended to read as follows:

§ 838. MAINTENANCE OF STATE EDUCATIONAL INSTITUTIONS.] For the purpose of providing for the maintenance of the State University and School of Mines at Grand Forks, the Agricultural College at Fargo, the State Normal School at Valley City, the State Normal School at Mayville, the State Normal School at Minot, the School for the Deaf at Devils Lake, the School of Forestry at Bottineau, the North Dakota Academy of Science at Wahpeton, and the Normal Industrial School at Ellendale, as a part of the public school system of this state, there is hereby levied upon all taxable property in the state, real and personal, an annual tax of one and one-eighth mills of each dollar of the assessed valuation of such property in each and every year thereafter.

§ 2. AMENDMENT.] Section 839 be and the same is hereby amended to read as follows:

§ 839. COUNTY AUDITOR SHALL CALCULATE AMOUNT OF LEVY.] The county auditor of each county shall at the time of making the annual tax list in his county calculate the amount of the levy hereinbefore provided for upon each and every item of property assessed in his county as it appears upon the last assessment roll, and extend the same upon such tax list in a column to be provided for that purpose, and such tax shall thereupon be calculated and paid over to the State Treasurer the same as other state taxes.

§ 3. AMENDMENT.] Section 840 be and the same hereby is amended to read as follows:

§ 840. TAXES, HOW APPORTIONED.] Such taxes so levied shall be apportioned by the State Treasurer to the several institutions herein mentioned as follows: Thirty-three one-hundredths of a mill to the State University and School of

Mines at Grand Forks; twenty one-hundredths of a mill to the Agricultural College at Fargo; fifteen one-hundredths of a mill to the State Normal School at Valley City; twelve one-hundredths of a mill to the State Normal School at Mayville; thirteen and one-half one-hundredths of a mill to the State Normal School at Minot; six one-hundredths of a mill to the School for the Deaf at Devils Lake; two one-hundredths of a mill to the School of Forestry at Bottineau; four one-hundredths of a mill to the North Dakota Academy of Science at Wahpeton; seven one-hundredths of a mill to the Industrial School at Ellendale; *provided*, that all moneys hereafter collected shall be apportioned as herein provided.

§ 4. AMENDMENT.] Section 841 is hereby amended to read as follows:

§ 841. MONEYS, HOW APPROPRIATED.] The moneys collected from the tax hereinbefore levied are hereby appropriated for the maintenance of the State University and School of Mines at Grand Forks, the Agricultural College at Fargo, the State Normal School at Valley City, the State Normal School at Mayville, the State Normal School at Minot, the School for Deaf and Dumb at Devils Lake, the Academy of Science at Wahpeton, the School of Forestry at Bottineau, and the Normal Industrial School at Ellendale. The moneys herein appropriated shall be used only for the payment of expense of maintenance of the several institutions specified.

§ 5. EMERGENCY.] An Emergency exists for the reason that the State Normal School at Minot is dependent upon this tax for funds with which to pay its maintenance, and, whereas, if this law does not become effective before July 1st, 1913, the said institution cannot receive any benefit of the proposed revenue before 1914, for the reason that this law must become effective before April 1st, 1913, the date of assessment of property for taxation purposes in North Dakota, that this tax may be levied on the assessment of 1913, and

Whereas, it is important that the State Normal School at Minot shall receive aid from this tax at the earliest possible date.

Therefore, this act shall be in full force and effect immediately upon its passage by the 13th Legislative Assembly and the approval of the act by the Governor.

Approved February 19, 1913.

BOARD OF EDUCATION

CHAPTER 149.

[S. B. No. 236—Joint Committee on Education.]

STATE BOARD OF EDUCATION.

AN ACT to Create a State Board of Education and to Amend Chapter 266 of the Session Laws of 1911, Relating to State Board of Examiners, and to Repeal Sections 243, 244 and 245 of Chapter 266; and to Amend Chapter 265 of the Laws of 1911, Relating to a State Agricultural and Training School Board, and to Amend Chapter 35 of the Session Laws of 1911, Relating to State Aid to Rural and Consolidated Schools, Chapter 267, Relating to State High School Board.

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

§ 1. **THE BOARD AND MEMBERSHIP.]** There is hereby created a State Board of Education, to be composed of the president of the university, president of the agricultural college, the state superintendent of public instruction, the state inspector of graded and rural schools, the state high school inspector, each ex-officio, and a state normal school president, to be designated by the governor of the state from the normal schools in the order of the establishment of the institutions which they represent, and an industrial school president, to be designated by the governor of the state from the industrial schools, in the order of the establishment of the institutions which they represent, a county superintendent of schools, and a male citizen who is not connected with the educational system, each to be designated by the governor.

§ 2. **APPOINTMENT AND TERMS.]** The governor shall appoint by the advice and consent of the Senate, during the Thirteenth Legislative Assembly, a normal school president, an industrial school president, a county superintendent, and a male citizen, as members of the State Board of Education, for a term from July 1, 1913, to the first Tuesday in April, 1915, and thereafter during the session of the legislative assembly, for a term of two years from the first Tuesday in April of each odd numbered year. No normal school or industrial school shall be represented a second time on the State Board of Education by its president until each normal school and each industrial school has been represented on the State Board of Education by its president.

§ 3. COMPENSATION.] The members of the State Board of Education not receiving salaries from the state, county, or state institutions, shall receive three dollars for each day employed, and all members of the board shall receive the actual and necessary expenses incurred in attending meetings of the board and in the performance of all duties in connection therewith, which shall be paid out of the state treasury on the voucher of the board, as provided by law.

§ 4. MEETINGS.] The board shall hold six regular meetings, one in each of the months of July, September, November, January, March and May of each year, and all such meetings shall be held at one of the state educational institutions, at the state capitol, or at such place as the board may determine. The board may hold, at its discretion, special meetings, of which due notice stating special purposes shall be given, and which may be held at any place within the state, but it shall not meet to exceed twelve times a year. The State Superintendent of Public Instruction shall be the president of the board, and his deputy shall be secretary with such compensation as the board may determine.

§ 5. POWERS AND DUTIES.] The duties of the State Board of Examiners established for the purpose of granting certificates to persons desirous of teaching in the State of North Dakota, as provided for in Chapter 266 of the Session Laws of 1911, Sections 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, are hereby made a part of the duties of the State Board of Education, and all authority and powers granted to the said board of examiners are hereby transferred and made a part of the duties of the State Board of Education. The State Board of Education is further authorized to establish such rules as may be found necessary to secure uniformity and best results among the schools receiving state aid, as rural, graded or consolidated schools, as provided in Chapter 35 of the Session Laws of 1911. The duties of the state agricultural and training school board, as defined in Chapter 265 of the general laws of 1911, are hereby transferred to the State Board of Education, and made a part of its duties. The duties of the state high school board, as defined in Chapter 267 of the Session Laws of 1911, are also hereby transferred to the State Board of Education, and made a part of its duties. The rules and regulations for classification of state, rural, graded and consolidated schools, as provided for by law, shall be made by the State Board of Education. *Provided*, also, that the classification of those schools and apportioning of the

funds, as provided by law, shall be under the control of the State Board of Education, and it shall perform such other functions as the legislature may from time to time confer upon it.

§ 6. VISITATIONS AND INSPECTIONS.] The State Board of Education, or their representatives or inspectors, may visit, examine into and inspect any educational institution under the supervision of the state, and may require as often as desired duly verified reports therefrom, giving such information in such form as the superintendent of public instruction or the Board of Education may prescribe.

§ 7. APPOINTMENTS BY SUPERINTENDENT OF PUBLIC INSTRUCTION.] The superintendent of public instruction, state consolidated, graded and rural school inspectors or assistants, high school inspectors, clerks and others in the office of the superintendent of public instruction provided by law.

§ 8. REPEAL.] Sections 243, 244 and 245 of Chapter 266 of the Session Laws of 1911, and all Acts or parts of Acts in conflict with this Act, are hereby repealed.

Approved March 11, 1913.

ELECTIONS

CHAPTER 150.

[S. B. No. 309—Duncan.]

ELECTION NOTICES.

AN ACT to Legalize Acts and Proceedings of County Commissioners in Calling and Giving Notices of General or Special Elections, and to Legalize Such General or Special Elections Attempted Held, Pursuant to Such Calls and Notices, Under the Provisions of Chapter 265 of the Session Laws of 1911.

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

§ 1. ACTS, PROCEEDINGS AND ELECTIONS LEGALIZED.] That all acts and proceedings heretofore had by the board of county commissioners in any county, preliminary to submitting to the voters of such county at either a general or special election, the question whether such county shall establish a county agricultural and training school under

the provisions of Chapter 265, Session Laws of 1911, and all general or special elections held pursuant to such acts, proceedings, calls and notices shall be and are hereby legalized in each and every case, and hereby declared valid acts, proceedings, calls, notices and elections. And this shall be true notwithstanding the omission of any matter or thing by law required as a pre-requisite to the submission of such question at a general or special election and the holding of such election, and notwithstanding defects or omissions in the proceedings had preliminary to or in the calling of, and the giving of the required notice of the submission of such question, for the establishment of such county agricultural and training school at such general or special election; and notwithstanding the omission of any matter or thing by law required to be stated in such notice; and notwithstanding any defect in the form of or the omission from the ballot used at such general or special election, any matter or thing required by law therein to be stated.

§ 2. EMERGENCY.] Whereas, the provisions of Chapter 265 of the Session Laws of 1911, are vague and indefinite with respect to the matters in this bill set forth, and elections have been attempted held under such vague and indefinite provisions, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1913.

CHAPTER 151.

[S. B. No. 8—Bronson.]

WOMAN SUFFRAGE.

AN ACT to Amend and to Re-enact Section 605 of the Revised Codes of North Dakota for 1905, and Chapter 131 of the Session Laws of North Dakota for the Year 1911, Relating to Who is Entitled to Vote, and Providing for Woman Suffrage.

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

§ 605. WHO ENTITLED TO VOTE.] Every person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state one year and in the county six months, and in the precinct ninety days next preceding any election, shall be a qualified elector at such election:

First: Citizens of the United States.

Second: Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding

such election, provided they have complied with the provisions of any law which is now or may in the future be in force relating to the registration of voters, and all persons possessing the qualifications mentioned in this section, and who have resided in this state one year, shall be eligible to any office in this state, except as otherwise provided in the constitution.

This act shall not be in force until adopted by a majority of the electors of the state, voting at the general election to be held in the year 1914, and this act shall be submitted for adoption to the electors at such general election in 1914.

Approved March 7, 1913.

CHAPTER 152.

[S. B. No. 26—Ellingson.]

ARRANGEMENT OF NAMES ON BALLOT.

AN ACT to Amend and Re-enact Section 618 of the Revised Codes of North Dakota for 1905, Relating to Elections.

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

§ 1. AMENDMENT.] Section 618 of the Revised Codes for 1905 is hereby amended and re-enacted to read as follows:

§ 618. ARRANGEMENT OF NAMES.] The candidates of the party casting the highest number of votes in the combined congressional districts of the state for members of congress at the last preceding general election shall be arranged in the first or left-hand column of such ballot; of the party casting the next highest number of votes, in the second column; of the party casting the next highest number of votes, in the third column; and of any other party as the Secretary of State may direct for state officers, or the county auditor for county officers, the municipal or city auditor, or, in municipalities or cities not having a municipal or city auditor, the municipal or city clerk, for municipal or city officers; or the president of the board of trustees of incorporated villages for village officers, in presidential years. The names of electors of president and vice-president of the United States presented in one certificate of nomination shall be arranged in a group inclosed in brackets, to the right and opposite the center of which shall be printed in bold type the surname of the presidential candidate represented. To the right and in a line with such surname, near the margin, shall be placed a single square, and a mark within such square shall be designated a vote

for all the electors, and such group shall be placed at the head of the column under the party designated or represented in such certificate. The auditor shall prepare the necessary ballots whenever any question is required by law to be submitted to a vote of the electors of any subdivision and not the state generally. The municipal or city auditor, or clerk, as the case may be, shall prepare and direct the printing and distributing of all ballots for municipal or city elections and for all questions that may be submitted to a vote of the electors of such municipality, except as provided in Section 614.

Approved March 3, 1913.

CHAPTER 153.

[H. B. No. 111—Curry.]

NON-PARTISAN ELECTIONS.

AN ACT to Provide for the Non-Partisan Nomination and Election of the State Superintendent of Public Instruction and County Superintendent of Schools.

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

§ 1. NO PARTY BALLOTS.] In all petitions and affidavits to be filed by or in behalf of any candidate for nomination at any primary election to the offices of state superintendent of public instruction and county superintendents of schools, no reference shall be made to any party ballot or to the party affiliation of such candidate.

§ 2. SEPARATE BALLOTS FOR SCHOOL NOMINATIONS.] At all primary elections at which candidates for the offices herein referred to are to be nominated, there shall be separate ballots, which ballots shall be entitled, "Non-partisan school ballot," and the names of such candidates shall be placed thereon without party designation, and there shall be designated thereon the number of persons to be elected to each office. Except as herein provided, this ballot shall be prepared, printed, distributed, canvassed and returned in the manner now provided by law for primary election ballots, and shall be delivered to each elector by the proper election officers and, where there are three or more candidates for the same office, the two candidates receiving the highest number of votes for such office shall be duly nominated thereto, and where there are only two candidates for the same office, both candidates shall be duly nominated thereto.

§ 3. **BALLOTS AT GENERAL ELECTION.]** At the general election there shall be a separate ballot upon which shall be placed the names of all candidates who have been nominated as herein provided, which ballot shall be entitled "School Ballot," and the names of all such candidates shall be placed thereon without party designation, and there shall be designated thereon the number of candidates for each office for whom each elector is entitled to vote. Except as hereinafter provided, this ballot shall be prepared, printed, distributed, canvassed and returned in the manner now provided by law for general election ballots. This ballot shall be delivered to each elector, and the candidates for each office on such "Non-partisan school ballot" receiving the highest number of votes shall be duly elected to such office.

§ 4. **REPEAL.]** All acts and parts of acts in so far as they conflict herewith are hereby repealed.

Approved March 11, 1913.

CHAPTER 154.

[H. B. No. 18—Carey.]

ELECTIONS.

AN ACT to Amend Sections 620 and 650 of the Revised Codes, 1905, Relating to Elections.

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

§ 1. **AMENDMENT.]** Section 620 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 620. **BALLOTS, HOW DELIVERED. OFFICIAL STAMPS.]** Each county auditor shall deliver or cause to be delivered by mail or other reliable method, to the inspector of election in each precinct in his county, the official ballot prepared by him, together with suitable manilla wrappers as hereinafter provided, at least twenty-four hours before the hour of opening of polls on election day. Such ballots and manilla wrappers shall be delivered in sealed packages marked on the outside plainly designating the number of ballots inclosed and the precinct for which they are intended. He shall also deliver or cause to be delivered to such inspector, or if that is impracticable, to one of the judges of election of such precinct, a stamp with an ink-pad for the purpose of stamping each ballot with the words "official ballot" and name or number of the precinct, the name of the county and the date of the election, and also a metal stamp the name of the county inscribed thereon for the

purpose of stamping the wrapper containing the ballots as provided in Section 2 of this act.

§ 2. AMENDMENT.] Section 650 is hereby amended so as to read as follows:

§ 650. RETURNS, HOW AND WHERE MADE. COMPENSATION OF OFFICERS.] The inspector of election or one of the judges appointed by him, shall forthwith deliver to the clerk of the town, city or village, one of such statements and one of such poll lists, together with the stamp inscribed with the words "official ballot," to be filed and preserved in his office, and shall withall convenient dispatch and within three days after the election, deliver the other statement to the county auditor, said statement having been by the judges carefully sealed up, together with the other poll lists, and with the oaths of inspectors and clerks affixed, under cover, properly directed to the county auditor, and the person delivering such returns shall receive as compensation therefor the sum of two dollars and mileage at the rate of ten cents per mile, for each mile necessarily travelled in going to and from such auditor's office, to be paid out of the county trasury on the warrant of the county auditor.

The statement and poll list aforesaid, having been duly prepared for delivery to the county auditor as aforesaid, the inspector and judges of election shall cause the ballots of each kind cast at such election to be smoothly spread upon a wrapper of strong durable paper of the same width of such ballots and of sufficient strength to permit of its being folded with the said ballots and form a complete wrapper therefor when folded. Such ballots and wrappers shall then be tightly folded together and the said wrapper securely pasted or glued at the outer end so as to completely envelope and firmly hold such roll together.

Provided, that ballots which are void shall be wrapped in a separate wrapper and so marked on said wrapper.

In the folding and sealing of the ballots as aforesaid, the various classes of ballots shall be kept separate.

The judges shall fold in two folds and lay in tiers all ballots counted by them except those which are void, and fold same securely in manilla wrappers not exceeding two hundred (200) to each wrapper, on which shall be endorsed in writing or print, the number of the precinct; date on which the election was held, and securely seal such wrappers by sealing them with sealing wax and stamping on said wax the name of the county with a metal stamp, provided for that purpose, so that said wrappers cannot be opened without breaking the seal, and return said ballots, together with those found void, to the county judge. Im-

mediately upon receiving such ballots, the county judge shall give a receipt therefor to said judges of election, and shall place them properly arranged in the order of the precinct numbers in boxes which shall be securely locked. Said boxes shall be placed in a fire proof vault and shall be securely kept for six months, not opening or inspecting them nor allowing anyone else to do so, except upon order of court, in case of contested election, or when it shall be necessary to produce them at a trial for any offense committed at elections. At the end of six months after said election, said ballots shall be destroyed; *provided*, that if any contest of the election of any officer voted for at such election, or prosecution under this article shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest or prosecution be finally determined. In organized townships or in cities or villages, the inspector of elections shall deliver, if he is not himself the officer in question, the ballot boxes together with said metal stamp to the chairman of the board of supervisors of the civil township, or mayor of the city or president of the village, in which the election precinct is situated, as the case may be; and this officer shall keep in safe custody such boxes and stamp until the next election, or hand them over to his successor in office to be safely kept by him until such time. At the following general or primary election it shall be the duty of these officers to hand the ballot boxes and said stamp over to the inspector of elections. In unorganized townships the inspector of elections shall cause the ballot boxes to be delivered to the county auditor, at the same time, by the same person returning the ballots, and no extra compensation shall be allowed for such delivery. Any person violating any of the provisions of this section is guilty of a misdemeanor.

It is the purpose of this act to provide a safe place for the keeping of the ballots and to make them readily accessible for use in legal proceedings, and such ballots shall be received in evidence without further identification or foundation being laid, and any failure on the part of the election officers to comply with any of the formalities required hereby as to the return of said ballots, shall not invalidate any election or cause any ballot otherwise regular to be disregarded and any omission or irregularities in the manner of identifying or returning the ballots of any precinct may be obviated by proof under the ordinary rules of evidence.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby expressly repealed.

Approved March 12, 1913.

CHAPTER 155.

[H. B. No. 10—Twichell.]

ABSENT VOTERS.

AN ACT to Provide a Method of Voting at Any General or Primary Election by Electors Absent or Anticipating Being Absent on the Day of Such Election from the County in Which They Are Electors.

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

§ 1. ABSENT VOTER. WHO MAY VOTE.] Any qualified elector of this state having complied with the laws in regard to registration, who is absent from the county of which he is an elector on the day of holding any general or primary election, may vote at any such election as hereinafter provided.

§ 2. APPLICATION FOR BALLOTS, MADE WHEN.] At any time within thirty days next preceding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, may make application to the county auditor of such county for an official absent voter ballot to be voted at such election.

§ 3. ABSENT VOTER BALLOTS, HOW PRINTED.] For all elections, either general or primary, there shall be prepared and printed for each precinct, official ballots to be known as absent voter ballots, which ballots shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballots, except that they shall be printed upon tinted paper of a tint different than that of the sample ballots.

§ 4. ABSENT VOTER BALLOT, FORM OF APPLICATION FOR.] Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector, and shall be substantially the following form:

I,a duly qualified elector of the township of....., or of the village of..... or of the.....precinct of the.....ward of the city of....., in the county of....., and state of North Dakota, and to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from the said county on the day for holding such election, hereby make application for an official absent voter ballot to be voted by me at such election.

Date.....

(Signed).....

Post Office Address.....

Provided, that if the application be made for a primary

election ballot such application shall also give the name of the political party with which the applicant is affiliated.

§ 5. APPLICATION BLANK, HOW OBTAINED.] Such application blank shall upon request therefor, be sent by such county auditor to any absent voter by mail, and shall be delivered to any voter upon application made personally at the office of such auditor.

§ 6. BALLOTS SENT HOW, AFFIDAVIT OF VOTER, AND CERTIFICATE.] Upon receipt of such application properly filled out and duly signed, or as soon thereafter as the official absent voter ballot for the precinct in which the applicant resides has been printed, the said county auditor shall send to such absent voter by mail, postage prepaid, one official absent voter ballot, or if there be more than one such absent voter ballot to be voted by an elector of such precinct, one of each kind, and shall enclose with such ballot or ballots an envelope to be furnished by such auditor; which envelope shall bear upon the front thereof the name, official title and post office address of such county auditor and upon the other side a printed affidavit in substantially the following form:

State of..... }
County of..... } ss.

I,, do solemnly swear that I am a resident of the township of....., or the village of....., or of the.....precinct of the.....ward in the city of....., residing at.....in said city, county ofand state of North Dakota, and entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence on the day of holding such election and that I will have no opportunity to vote in person on that day.

.....
Subscribed and sworn to before me this.....day of.....19....; and I hereby certify that the affidavit exhibited the enclosed ballots to be unmarked, that he then, in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot, and enclosed and sealed the same in this envelope. That the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.....
.....
Provided, that if the ballot enclosed is to be voted at a primary election, the affidavit shall state the name of the political party with which the absent voter is affiliated.

Note. If such absent voter is unable to sign his name, he shall make his mark (X) and the officer taking such affidavit shall sign such voter's name, and shall state the reason for such affidavit being signed in such manner, in his certificate attached to such affidavit.

§ 7. MANNER OF MARKING BALLOT.] Such absent voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths and who has an official seal, and such absent voter shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots shall thereupon, in the presence of such officer, be folded by such voter so that each ballot will be separate, and so as to conceal the vote, and be in the presence of such officer deposited by such envelope, and the said envelope securely sealed. Said envelope shall be mailed by such absent voter, postage prepaid.

§ 8. CARE OF BALLOT BY AUDITOR.] Upon receipt of such envelope, such county auditor shall forthwith enclose the same, unopened, together with the written application of such absent voter, in a larger envelope which shall be securely sealed and endorsed with the name of the proper voting precinct, the name and official title of such auditor, and the words, "This envelope contains an absent voter ballot and must be opened only on election day at the polls while the same are open," and such auditor shall thereafter safely keep the same in his office until the same is delivered by him as provided in the next session.

§ 9. TRANSMISSION OF BALLOT TO ELECTION INSPECTOR.] In case such envelope is received by such auditor prior to the delivery of the sealed package containing the official ballots to the inspector of elections of the precinct in which such absent voter resides, such ballot, envelope and application sealed in such envelope shall be enclosed in such package and delivered therewith to the inspector of such precinct. In case the official ballots for such precinct shall have been delivered to such inspector of elections at the time of the receipt by the auditor of such absent voter ballot, such auditor shall immediately enclose such application and such ballot with the envelope containing such ballot, unopened, in a larger envelope which shall be securely sealed by him and endorsed on the front with the name, official title, name of precinct and post office address of the inspector of elections of the precinct in which such absent voter resides, and the words "This envelope contains an absent voter ballot and must be opened only on election day at the polls while the same are open," and forthwith

mail the same, postage prepaid, to such inspector of elections.

§ 10. MANNER OF VOTING. COID (VOID) OR REJECTED BALLOTS.] At any time between the opening and closing of the polls on such election day, the inspector or judges of election of such precinct shall first open the outer envelope only, and compare the signature of such voter to such application with the signature to such affidavit. In case the judges find the affidavit is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at such election, they shall open the absent voter envelope, in such manner as not to destroy the affidavit thereon, and take out the ballot or ballots therein contained, and without unfolding the same, or permitting the same to be opened or examined, and having endorsed the same in like manner that other ballots are endorsed, deposit the same in the proper ballot box or boxes, showing by the records of such election such elector to have voted. In case such affidavit is found to be insufficient, or that the said signatures do not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but without opening the absent voter envelope, the election inspector or a judge of such election shall mark across the face thereof, "Rejected as defective," or "Rejected as not an elector," as the case may be. The absent voter envelope when such absent vote is voted, and the absent voter envelope with its contents, unopened, when such absent vote is rejected, shall be deposited in the ballot box containing the general or party ballots, as the case may be, retained and preserved in the manner as now by law provided for the retention and preservation of official ballot voted at such election.

§ 11. ELECTOR MAY VOTE BEFORE LEAVING COUNTY.] The provisions of this act shall be construed so as to permit any qualified elector of this state who is present in this (his) county after the official absent voter ballots of such county have been printed, and who has reason to believe that he will be absent from such county on election day as before provided in Section 2, to vote before he leaves his county, in like manner as absent voter, and any qualified elector who has marked his ballot as hereinbefore provided, who shall unexpectedly return to his precinct before or on election day, shall be permitted to vote in person, *provided* his ballot has not already been deposited in the ballot box.

§ 12. BALLOTS FURNISHED AUDITOR, WHEN.] It shall be the duty of the secretary of state, county auditor, or any other officer by law required to prepare any general or pri-

mary election ballot, to prepare and have printed and delivered to the county auditor, at least fifteen days prior to the holding of such election, a sufficient number of absent voter ballots provided for in Section 3, for the use of all voters likely to be absent from such county on the day of such election.

§ 13. PENALTY FOR VIOLATIONS.] If any person shall wilfully swear falsely to the affidavit in Section 6 provided for, he shall upon conviction thereof be deemed guilty of perjury and shall be punished as in such case by law provided. If the secretary of state or any county auditor or any election officer shall refuse or neglect to perform any of the duties prescribed by this act, or shall violate any of the provisions thereof, or if any officer taking the affidavit provided for in Section 6 shall make any false statement in his certificate thereto attached, he shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00) dollars, or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment.

Approved March 12, 1913.

CHAPTER 156.

[H. B. No. 423—Twichell.]

ELECTIONS.

AN ACT to Amend and Re-enact Sections 628, 629 and 631 of the Revised Codes of North Dakota of 1905, Relating to Elections.

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

§ 1. That Section 628 of the Revised Codes of North Dakota of 1905 be amended and re-enacted to read as follows:

§ 628. CERTIFICATE OF NOMINATION. WHEN TO BE FILED.] Certificates of nomination to be filed with the secretary of state shall be filed not less than thirty days before the days fixed by law for election of persons in nomination. Such certificates of nomination may be sent by registered letter deposited in the postoffice on or before the last day, and the receipt therefor filed with the county auditor (certificates of nomination herein directed to be filed with the auditor shall be filed not less than twenty-five days before the election, but the provisions of this Section shall not apply to nominations for special elections to fill vacancies caused by death, resignations or otherwise). The secretary

of state and the several county auditors shall cause to be preserved in their respective offices for six months all certificates of nomination filed therein under the provisions of this Article. All such certificates shall be open to public inspection under proper regulations to be made by such officers.

§ 2. That Section 629 of the Revised Codes of North Dakota of 1905 be amended and re-enacted to read as follows:

§ 629. SECRETARY OF STATE TO CERTIFY NOMINATIONS FOR STATE OFFICE.] Not less than thirty days nor more than thirty-five days before an election to fill any state or district office, the secretary of state shall certify to each county auditor within which any of the electors may by law vote for candidates for such office, the name and postoffice address of each person nominated for such office as specified in the certificates of nomination filed with him.

§ 3. That Section 631 of the Revised Codes of North Dakota of 1905 be amended and re-enacted to read as follows:

§ 631. IN CASE NOMINEE DECLINES, CERTIFICATE VOID.] Whenever any person nominated for public office as in this Chapter provided, shall, at least thirty days before election, in writing notify the officer with whom the certificate nominating him is filed that he declines such nomination, such nomination shall be void.

Approved March 12, 1913.

CHAPTER 157.

[H. B. No. 225—Divet.]

CHARITABLE INSTITUTIONS.

AN ACT to Amend Section 10 of Chapter 129, Laws of 1911, Relating to Charitable Contributions by Candidates and Office Holders.

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

§ 1. AMENDMENT.] Section 10, Chapter 129, of the Laws of 1911, is amended and re-enacted to read as follows:

§ 10. CHARITABLE CONTRIBUTIONS BY CANDIDATES OR OFFICE-HOLDERS, AND SOLICITATION THEREOF.] No person shall demand, solicit, ask or invite any payment or contribution for any religious, charitable or other such cause from any person who seeks to be, or has been, nominated to any office, and no such candidate shall make any such payment or contribution, or promise or agree to make the same, if

it shall be demanded or asked during the time he is a candidate for nomination or election. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nominating paper or petition, or the performance of any duty imposed by law on a political committee.

Provided, however, that this Section shall not be construed as prohibiting any candidate for office from making contributions for a religious or charitable purpose to any organization or purpose to which he has theretofore ordinarily or customarily contributed; and no person shall be deemed prohibited at any time from contributing to any church organization or association of which he is actually a member.

Provided, further, this Section shall not be construed as making it unlawful for a candidate for office to make contribution to the central committees of the political party with which he is affiliated, but any such contribution so made shall be deemed a part of the expenditures limited in Section 6 of this Act.

Approved March 12, 1913.

EMBALMERS

CHAPTER 158.

[S. B. No. 249—Garden.]

EMBALMERS.

AN ACT to Amend Section One of Chapter 108 of the Session Laws of 1909 of the State of North Dakota, Relating to Qualifications of Embalmers.

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

§1. Section 1 of Chapter 108 of the Session Laws of 1909 is hereby amended to read as follows:

§ 344. LICENSE ISSUED. WHEN.] Every person who wishes to practice the profession of embalming dead human bodies in the state of North Dakota or prepare for shipment any dead human body, shall appear before the state board of embalmers, or such member thereof designated, as hereinbefore provided, for examination on their knowledge of embalming, sanitation, preservation of the dead, disinfection of a deceased person and the apartments, bedding, clothing, excretion or anything likely to be affected in case

of death from infectious or contagious disease, in accordance with the rules and regulations of the state board of health. Such examination shall be in writing and all examination papers shall be kept on record by said board of embalmers; and if the applicant be of good moral character and passes a satisfactory examination, then the said board shall issue to said applicant, on payment of the sum of five dollars to the treasurer of said board, a license to practice the profession of embalming for the term of one year:

Provided, however, that whenever the state board of embalmers shall have reason to believe that any person to whom a license has been issued has become unfitted to practice embalming and disinfecting, or whenever a written complaint of a licensed embalmer, substantiated by affidavits thereto, charging the holder of an embalmer's license with the violation of any provision of this Act is filed with said board, it shall be the duty of said board to notify the person in question that it has reason to believe that he has violated the provisions of law and that his license ought to be revoked, which notice shall be served upon him either by registered mail or personal service; *provided*, that when a written complaint against any such person is filed with said board, either by a member thereof or a licensed embalmer, a copy thereof shall be attached to the notice so served upon said person. The said notice shall set forth in what particulars it is claimed there has been a violation of the law, or for what reason the person is believed to be unfitted to longer prosecute the business of an embalmer; the said board shall in such notice definitely fix a time and place when and where it will be in session for the purpose of considering such person's case, which time shall not be less than twelve days after the service of notice upon the person. Such person shall have the right to appear before the said board at such time and place to dispute the charges made in said notice. Any member of said board shall have the right to administer oaths to witnesses. If, after considering all of the facts and circumstances the board shall have sufficient reason to believe that there has been a violation of the provisions of this Act, or a violation of any rule or regulation prescribed by the said board for the preparation, embalming, shipping or burial of any dead human body, or that such person is unfitted to remain a licensed embalmer in this state, it shall have the right to revoke and cancel the license theretofore granted to such person. If the applicant desires the renewal of the license, the said board shall grant it, except for cause, and the annual fee for the renewal of the license shall not exceed three dollars.

Approved March 13, 1913.

EMERGENCY COMMISSION

CHAPTER 159.

[S. B. No. 192—Vail.]

LIMITING POWERS OF EMERGENCY COMMISSIONS.

AN ACT to Amend and Re-enact Section 1283 of the Revised Codes of 1905 for North Dakota, Prohibiting Excessive Expenditures out of Appropriations, and Providing an Emergency Commission, and Penalty.

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

§ 1. AMENDMENT.] Section 1283 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 1283. EXCESSIVE EXPENDITURES OUT OF APPROPRIATIONS PROHIBITED. EMERGENCY COMMISSION.] It shall be unlawful for any board of trustees, commissioners, directors, person or persons having the control or management of public institutions of the state, or having in any manner whatsoever the responsibility of disbursing or expending any money appropriated by the state, either directly or indirectly, or in any manner whatsoever to expend or to agree or contract to expend for the use or benefit of any institution or purpose any amount in excess of the sum appropriated for such institution or purpose, nor shall any amount appropriated for any specific purpose or fund be used for or transferred to any other purpose or fund, provided that when in belief of any such board of trustees, commissioners, directors or official, any emergency exists, and the interests of the state are jeopardized by reason of the exhaustion of the amount appropriated, or by cause for which there is no provisions of law, the matter, with all relative facts, shall be referred to a commission consisting of the governor, secretary of state and state auditor, who may authorize the transfer of money from one fund to another fund of the same institution or purpose.

§ 2. Any persons violating the provisions of this Act shall be deemed guilty of a misdemeanor.

Approved March 4, 1913.

ESTRAYS

CHAPTER 160.

[S. B. No. 173—Davis.]

ESTRAY NOTICES.

AN ACT to Amend Section 1972, Section 1973, as Amended by Chapter 117 of the Laws of 1907, and Section 1974 of the Revised Codes of 1905, Relating to Notice of Taking Up Estrays.

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

§ 1. AMENDMENT.] Section 1972, Revised Codes of 1905, is amended and re-enacted to read as follows:

§ 1972. BY WHOM AND WHEN TAKEN UP.] No person shall take up an estray animal except in the county wherein he resides and is a householder, nor unless such estray is found in the vicinity of his place of residence, nor take up an estray animal mentioned in the next Section during the period when it shall be lawful for stock to run at large in said county, unless the same is found trespassing upon the premises or within the inclosure of the person taking up the same.

§ 2. AMENDMENT.] Section 1973, Revised Codes of 1905, as amended by Chapter 117 Laws of 1907, is hereby amended and re-enacted to read as follows:

§ 1973. NOTICE OF TAKING UP ESTRAYS.] Each person taking up an estray, horse, mare, colt, ass mure or meat cattle, sheep, hog, or goat shall, within ten days thereafter, give notice of the finding and taking up of said animal, in the nearest weekly newspaper published in the county where such animal is found. Such notice shall truly describe the animal found by giving its color, sex, probable age and weight, and all the marks and brands thereon. Immediately after the first publication of said notice the publisher thereof shall send by registered mail to the commissioner of agriculture and labor and to the county auditor of the county in which said animal was found, a newspaper clipping containing the same. Unless such animal is earlier claimed the notice shall be published in said paper for three successive weeks, and immediately after the third publication a printed copy thereof shall be forwarded by registered mail to the state estray paper. The registry receipts for the notices sent out of the said state estray paper to the commissioner of agriculture and labor

and to the county auditor, as provided for herein, together with proof of publication of such notice for three successive weeks, shall be filed in the office of the county auditor of the county where the estray was found before it can be appraised, or before appraisers can be appointed. Unless such receipts and proof of publication are so filed the publisher of said paper shall forfeit all right to his publication fees, and shall be liable to civil damages for any loss or damage caused by his neglect, and the person taking up said estray, unless he shall cause the same to be filed, shall forfeit all right to reimbursement for charges, costs and damages. Any person taking up an estray who fails to advertise the same, or otherwise comply with the provisions of this Section, shall be liable to the owner for all damages caused by such negligence or failure, and shall be guilty of a misdemeanor; *provided*, if any person shall take up an estray which is apparently worthless, such estray may be at once appraised, and if found worthless may be destroyed. The person taking up the same shall notify some justice of the peace of the county, and such justice shall immediately choose one disinterested free-holder as one appraiser; the party taking up the estray shall choose another disinterested free-holder, and the two so chosen shall appoint a third person living in the vicinity where the estray was taken up, and the three persons so chosen shall constitute a board of appraisers who shall act without compensation. If such appraisers shall appraise the estray as worthless it shall be destroyed by the party taking it up.

§ 3. AMENDMENT.] Section 1974, Revised Codes of 1905, is amended and re-enacted to read as follows:

§ 1974. OFFICIAL ESTRAY PAPER. PAYMENT OF FEES.] A weekly newspaper published in the state shall be designated by the governor as the official newspaper in which all estray notices of the state received by said paper shall be published once. It shall be the duty of the publisher of said paper to transmit one copy, weekly, to the county auditor of each county in the state and to the commissioner of agriculture and labor at his office at the state capitol. If such publisher shall fail to transmit copies thereof as herein provided he shall forfeit all right to his fees for publication of estray notices, and shall be liable in civil damages for any loss or damage caused by his neglect. The board of county commissioners of each county shall, on the first Monday of January each year, appropriate the sum of five dollars to pay the official estray paper for such publications.

Approved March 14, 1913.

EXEMPTIONS

CHAPTER 161.

[H. B. No. 410—Haraldson.]

EXEMPTIONS.

AN ACT to Amend and Re-enact Section 7119 of the Revised Codes of North Dakota for 1905, Relating to Exemptions.

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

§ 1. AMENDMENT.] Section 7119 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 7119. THOSE BY NUMBER CHOSEN. BY VALUE APPRAISED.] All the articles enumerated in the preceding Section, which are exempt by limitation of number, must be chosen by the debtor, his agent or attorney; so, also all property exempt by limitation of value must be determined by an appraisal made under the direction of the sheriff or other officer.

Whenever any debtor, against whom an execution, warrant of attachment or other process has been issued, desires to avail himself of the benefit of Section 7117 of this code, said debtor, his agent or attorney, shall make a schedule of all his personal property of every kind and character, including money on hand and debts due and owing to the debtor, and deliver the same to the officer having the execution, warrant of attachment or other process, which said schedule shall be subscribed and sworn to by the debtor, his agent or attorney, and any property owned by the debtor and not included in said schedule shall not be exempt as aforesaid; *provided*, however, that no claim for exemptions shall be disallowed for insufficiency as to form unless three days' notice in writing shall have first been given of the insufficiency by the party in interest claiming such insufficiency to the person making the claim for exemptions, and specifying in apt language the defect complained of. And the person claiming the exemption shall thereupon amend the same to conform to the objections made within three days, if he or they desire so to do, by serving upon the proper person an amended claim for exemptions.

Approved March 15, 1913.

EXTRADITION

CHAPTER 162.

[S. B. No. 184—Garden.]

EXTRADITION, COSTS AND EXPENSES.

AN ACT to Provide for the Payment of Costs and Expenses in Extradition Cases Brought Under the Laws of the United States on Application of the Governor of this State.

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

§ 1. In all cases or proceedings which have been or may hereafter be brought for the return of a fugitive from justice from any foreign state or country, under and by virtue of the laws of the United States, on application by the Governor of this state, all necessary costs and expenses shall be allowed and shall be paid by the state in cases of treason or felony, in the same manner as costs and expenses are paid in case of demand of the Governor of this State upon the executive authority of any other state.

Approved March 11, 1913.

FAIR ASSOCIATION

CHAPTER 163.

[H. B. No. 154—Balsdon.]

TREASURERS OF FAIR ASSOCIATIONS TO GIVE BOND.

AN ACT Requiring Treasurers of Fair Associations to Give a Bond to the Directors Thereof.

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

§ 1. It shall be the duty of the directors of any fair association to require the treasurer thereof to give a sufficient bond to such directors, conditioned for the faithful keeping of such money as may come into his hands as such treasurer.

§ 2. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Approved February 25, 1913.

FARMS

CHAPTER 164.

[S. B. No. 59—Duncan.]

REGISTRATION OF FARM NAMES.

AN ACT Providing for the Registration of Farm Names.

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

§ 1. **REGISTRATION OF FARM NAMES AUTHORIZED. CERTIFICATE.]** Any owner of a farm in the state of North Dakota may have the name of his farm, together with a description of his land to which said name implies, recorded in a register kept for that purpose in the office of the register of deeds of the county in which said farm is located, and said register of deeds shall furnish to such land owner a proper certificate setting forth said name and the description of such land. When any name shall have been recorded as the name of any farm in such county, such name shall not be recorded as the name of any other farm in the same county.

§ 2. **FEE.]** Any person having the name of his farm recorded, as provided in this act, shall first pay to the register of deeds a fee of one dollar, which fee shall be paid to the county treasurer in the same manner as other fees are paid to the county treasurer by the register of deeds, and credited to the special salary fund.

§ 3. **TRANSFER OF FARM MAY INCLUDE REGISTERED NAME.]** When any owner of a farm, the name of which has been recorded as provided in this act, his heirs, executors or administrators, transfers by deed or otherwise, the whole of such farm, such transfer may include the registered name thereof; but if it is desired to transfer only a portion of such farm, then in that event the registered name thereof shall not be transferred to the purchaser unless so stated in the deed of conveyance.

§ 4. **CANCELLATION OF REGISTERED NAME. FEE.]** Whenever any owner of a registered farm, his heirs, executors or administrators, desires to cancel the registered name thereof, the same shall be accomplished in the same manner as now provided for cancellation of real estate mortgages. For such service the register of deeds shall be paid a fee of fifty cents, which shall be paid to the county treasurer in the same manner as other fees herein provided for.

Approved February 20, 1913.

CHAPTER 165.

[H. B. No. 264—Streeter.]

CLOSING OF FENCE GATES ON FARMS.

AN ACT in Relation to the Closing of Gates or Bars in Fences Inclosing Farm Premises, the Posting of Notices at Such Gates or Bars, and Providing a Penalty for the Violation Thereof.

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

§ 1. GATES TO BE CLOSED.] No person or persons opening a gate or bars in a fence enclosing farm premises shall leave such gate or bars open, unless such person or persons shall be in lawful possession of such premises; *provided*, that at such gate or bars there shall be posted a notice requesting such closure, and stating that a failure so to do is in violation of law.

§ 2. POSTED NOTICES.] No one other than the person or persons in lawful possession of such premises shall remove, destroy or deface such posted notice.

§ 3. PRIVATE ROADS.] Nothing contained in this act shall in any way at any time change a private road through enclosed farm premises to a public road; and no provision of this act shall take from the person or persons in lawful possession of such premises the right to close such private road through their premises.

§ 4. PENALTY.] Anyone violating the provisions of this act shall, upon conviction, be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and shall, in addition to such fine, be liable for any damages that may result because of live stock entering or escaping through such open gate or bars.

§ 5. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 6, 1913.

INSTITUTION FOR FEEBLE MINDED

CHAPTER 166.

[S. B. No. 94—Cashel.]

INMATES OF INSTITUTION FOR FEEBLE MINDED.

AN ACT to Amend Section 1 of Chapter 213 of the Laws of 1909, Relating to the Inmates of the Institution for the Feeble Minded.

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

§ 1. Chapter 213 of the Laws of 1909 is hereby amended and re-enacted to read as follows:

§ 1165. WHO MAY RECEIVE BENEFITS OF SCHOOL.] All feeble minded persons residents of this state, who, in the opinion of the superintendent, are of suitable age and capacity to receive instruction in the Institution for Feeble Minded, and whose defects prevent them from receiving proper training in the public schools of the state, and all idiotic and epileptic persons resident of this state, may be admitted to and receive the benefits of the institution, subject to payment of the sums hereinafter provided, and to such rules and regulations as may be made by the Board of Control; *provided*, however, that any inmate of such institution shall not be removed therefrom, except upon a written request of the parent, parents, guardian or custodian of such inmate, which said request must receive the approval of the superintendent before such inmate can be removed. But any feeble minded person who is offensive to the public peace or to good morals, and who is a proper subject for classification and discipline in the institution, may be committed, on pursuing the same course of legal commitment as govern admissions to the State Hospital for the Insane. Such commitment shall comply with such rules and regulations as may be made by the Board of Control, and shall be accompanied by the certificate of indigence, as provided in Chapter 165 of the Laws of 1911.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

§ 3. Whereas, an emergency exists in the fact that there is now no law for compulsory commitment of feeble minded persons obnoxious to the peace and good morals of the public, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1913.

CHAPTER 167.

[S. B. No. 104—Cashel.]

PERSONS RESPONSIBLE FOR SUPPORT OF PERSONS IN
INSTITUTION FOR FEEBLE MINDED.

AN ACT to Provide for the Maintenance of Inmates of the Institution for the Feeble Minded, and to Amend Section 1 of Chapter 165 of the Laws of 1911, Relating Thereto.

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

§ 1. Chapter 165 of the Laws of 1911 is hereby amended and re-enacted to read as follows:

§ 1167. PAYMENTS REQUIRED.] The person legally responsible for the support of any person heretofore or hereafter admitted to such institution shall pay to the support of said institution the sum of fifteen dollars (\$15.00) per month during all the time such person is an inmate of said institution, but if the person so liable be unable to pay such sum, for which inability the certificate of the county judge of the county from which said person is admitted shall be prima facie evidence, it is hereby made a charge upon the county, and upon the presentation of a certificate by the superintendent of said institution, certified to by the chairman of the Board of Control, to the auditor of said county, that such indigent person is a regular and proper inmate of such institution, said auditor shall immediately transmit to the superintendent of said institution his warrant as such auditor payable out of the county treasury for said sum of fifteen dollars, and a county auditor's warrant for a like amount each month thereafter so long as such person remains an inmate of said institution.

§ 2. Any inmate of said institution shall become a charge on the county from which such inmate came when the superintendent of the institution certifies to the county judge of such county under oath that he is no longer able to collect the monthly payment herein provided for from the legally responsible parent or guardian of such feeble-minded inmate, and that he has exhausted all means at his disposal to compel payment. The county judge shall then issue a certificate of indigence, and upon the presentation thereof, certified to in the same manner as is provided for in Section 1 of this act, the county auditor shall immediately transmit to the superintendent of said institution his warrant as such auditor, and the sum of fifteen dollars (\$15) each month shall be paid to said superintendent as provided for in Section 1 of this act.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY.] An emergency is hereby declared to exist and this act shall be in force from and after its passage and approval.

Approved March 6, 1913.

FEES

CHAPTER 168.

[S. B. No. 54—Talcott.]

FEES, COVERED INTO STATE TREASURY.

AN ACT Prescribing the Time When Payments of Fees and Profits Arising From the Several State Offices Shall be Covered into the State Treasury.

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

§ 1. All fees and profits arising from any of the state offices, which are required by law to be paid into the state treasury, shall be covered into the state treasury at the end of each month.

§ 2. EMERGENCY.] Whereas, there are on adequate provisions of law prescribing when certain fees and profits arising from the state offices shall be covered into the state treasury, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1913.

FIRE MARSHAL

CHAPTER 169.

[S. B. No. 223—Heckle.]

FIRE MARSHAL DEPARTMENT.

AN ACT to Provide for the Creation of a Fire Marshal Department Under The Management of the Commissioner of Insurance, for the Better Protection and Preservation of Life and Property from Fire. For the Appointment of a Fire Marshal and Chief Assistant Marshal. Defining Their Duties and Powers. Providing Penalty for the Violation Thereof and Means for the Enforcement of the Provisions of this Act and to Provide for a Tax upon Mutual Fire Insurance Companies Therefor.

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

§ 1. That there be added to the duties of the Commissioner of Insurance the additional duties created by this act. The Governor shall appoint a fire marshal and a chief assistant fire marshal, who shall be under the management of the Commissioner of Insurance, said appointments to be made within sixty days after the passing of this act, and who shall hold office for the term of two years, and shall be removed for cause only, and until their successors are appointed and qualified. The Commissioner of Insurance shall appoint one clerk who shall act as deputy assistant fire marshal. The fire marshal and chief assistant shall give a bond to the State of North Dakota in the penal sum of five thousand dollars (\$5,000) each, conditioned upon the faithful discharge of his duties. The fire marshal, the chief assistant fire marshal, and the deputy shall take and subscribe and file in the office of the Secretary of State the constitutional oath within fifteen days from the time of their appointment respectively.

§ 2. It shall be the duty of the fire marshal and assistant to enforce all laws of the state in respect to fires as follows:

- (a) Prevention of fires.
- (b) The storage, sale and use of combustibles and explosives.
- (c) The installation and maintenance of automatic or other fire alarms and fire extinguishing equipment.
- (d) The means and adequacy of exits in case of fires from churches, schools, halls, theaters, amphitheatres and all other places in which numbers of persons congregate from time to time for any purpose.

(e) The suppression of arson and investigation of the cause, origin and circumstances in connection with fires.

(f) The fire marshal and chief assistant fire marshal shall have such other powers and perform such other duties as are set forth in other sections of this act, and as may be conferred and imposed from time to time by law.

§ 3. The duty of the chief assistant fire marshal shall be to assist the fire marshal and in the event of a vacancy in the office of fire marshal, or during the absence or disability of that officer the chief assistant fire marshal shall assume the duties of the office of fire marshal.

§ 4. (a) The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated city in which no fire department exists, and the president of the village board of every incorporated village in which no fire department exists, and the above named officers shall report the cause, origin and circumstances of every fire occurring in such city or village by which property has been destroyed or damaged, when the damage exceeds the sum of twenty-five dollars (\$25.00), except that all fires of unknown origin shall be reported, and shall especially make a report as to whether such fire was the result of carelessness, accident or design.

(b) Such report shall be made within five days after the occurrence of such fire, and the fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary.

(c) The officer making reports or investigation of fires occurring in cities or villages shall forthwith notify the fire marshal and shall within one week after the occurrence of the fire furnish to the fire marshal a written statement of all the facts relating to the cause and origin of the fire, and such further information as may be called for by the blanks furnished by said fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with the facts, statistics and circumstances in connection with said fires, including the origin of the fire, which may be determined by the reports or investigations provided by this act and such statistics shall at all times be open for public inspection.

§ 5. The fire marshal shall, when, in his opinion, further investigation is necessary, take or cause to be taken the testimony, under oath, of all persons supposed to be cognizant of any facts, or to have any means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing, and if he shall be of the opinion that there is evidence

sufficient to charge any person with the crime of arson he shall cause said person to be arrested and charged with such an offense, and shall furnish to the proper prosecuting attorney all such evidence together with a copy of all names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case, and shall keep a record of the proceedings and progress made in all such prosecutions for arson, and the result of all cases finally disposed of.

(a) The fire marshal and chief assistant fire marshal shall each have the power in any county in the state of North Dakota to summon and compel the attendance of witnesses before them or either of them to testify in relation to any matter which is, by the provisions of this act, a subject of inquiry and investigation, and may require the production of any books, papers or documents being pertinent thereto or deemed by them or either of them to be so, and such summons shall be served in the same manner and have the same effect as subpoenas in district court. All witnesses shall receive the same compensation as is paid to witnesses in the district court, which shall be paid out of the fire marshal's fund upon the voucher signed by the state fire marshal or chief assistant fire marshal before whom any witnesses shall have attended, and approved by the state auditing board, and such officers shall at the close of such investigation, wherein such witness or witnesses were subpoenaed, certify to the attendance and the mileage of such witnesses, which certificate shall be filed in the office of the fire marshal, and all investigations held by or under the direction of the state fire marshal or his subordinates.

(b) Said fire marshal, chief assistant fire marshal are hereby authorized and empowered to administer oaths and affirmations to any person appearing as a witness before them, and false swearing in any matter or proceeding aforesaid shall be deemed perjury, and shall be punished as such.

(c) Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of the fire marshal or chief assistant fire marshal in relation to such investigation, or who fails or refuses to produce any paper, book or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before them to give testimony in relation to any matter or subject under investigation or examination, as aforesaid, may be summarily punished by the said state fire marshal, chief assistant fire marshal, as for contempt by a fine for a sum not exceeding one hundred dollars, or be committed to the county jail until such time such person may be willing to comply with any reasonable

order made by the said state fire marshal, or chief assistant fire marshal, as provided in this act, and subject to punishment as provided by law.

§ 6. If the fire marshal, chief assistant fire marshal, or any other officer mentioned in the preceding sections upon an examination or inspections finds a building or other structure, which, for want of proper repair by reason of age and delapidated condition, defective or poorly installed electric wiring, or equipment, defective chimneys, defective gas connections, defective apparatus, or for any other cause or reason, is especially liable to fire, and which building or structure is so situated as to endanger other buildings or property such officer shall order such buildings to be repaired, torn down, demolished, materials removed, and all dangerous conditions remedied and abated. If such officer finds in a building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable conditions of any kind, dangerous to the safety of such buildings or property he shall order such material removed and such dangerous conditions remedied and abated. Such order shall be made against and served personally, or by registered letter, upon the owner, lessee, agent, or occupant of such buildings or premises, and thereupon such order shall be complied with by the owner, lessee, agent, or occupant within the time fixed in such order. Any person who shall interfere in any way with the fire marshal, chief assistant fire marshal in the performance of their duties shall be guilty of a misdemeanor.

§ 7 If the fire marshal or chief assistant fire marshal shall find on any premises or in any building conditions that are a menace and dangerous to the safety of life and limb of the occupant of said building or adjacent buildings they are empowered to issue the necessary order for removal or correction of the dangerous conditions forthwith, and any owner, agent, or occupant of said premises upon whom said order is issued failing to comply with said order within the time specified shall be guilty of a misdemeanor.

§ 8. If the owner, lessee, agent, or occupant deems himself aggrieved by an order of an officer under the preceding section and desires a hearing he may complain or appeal, in writing, to the fire marshal within five days from the service of the order, and the fire marshal shall at once investigate said complaint, and he shall fix a time and place not less than five days nor more than ten days thereafter when and where said complaint will be heard by the fire marshal, and the fire marshal at said hearing may affirm,

modify, revoke, or vacate said order, and unless said order is revoked, modified or vacated by the fire marshal it shall remain in force and be complied with by such owner, lessee, agent or occupant within the time fixed in said order, or within such time as may be fixed by the fire marshal at said hearing.

§ 9. If a person is aggrieved by the final order of the fire marshal, as made at the hearing provided for in the preceding section, such person may, within five days thereafter, appeal to the district court in the county in which the property is situated, notifying the fire marshal of such appeal within three days thereafter, which notice shall be in writing, and delivered personally to the fire marshal or left at his principal office in the city of Bismarck. The party so appealing shall within two days thereafter file with the clerk of the district court in which appeal is made a bond in an amount to be fixed by the judge of the judicial district in which the property is situated, but in no case less than one hundred dollars (\$100) with at least two sufficient sureties, to be approved by said court, conditioned to pay all the costs of the appeal in case the appellant fails to sustain the same, or the appeal be dismissed for any cause. The district court shall hear and determine the appeal within ten days, or as soon thereafter as possible, from the date of the filing of the same at any place in the judicial district to be designated by the judge of said court. The fire marshal shall make a complete transcript of the proceedings had before him and certify the same together with all the original papers filed in his office, and transmit them to the district court at least three days prior to the date of hearing as fixed by the court. In case the decision is against the appellant, or for any cause the appeal be dismissed, judgment for the costs shall be ordered against the appellant.

§ 10. If the owner of such premises is not a resident of the state of North Dakota, and if such premises are vacant and are unoccupied, or if the owner of such premises has no known address then such notice shall be served by a three weeks' publication thereof in a legal newspaper published in the county in which said premises are situated, and such notice shall be deemed to have been served upon such owner upon the last day of the publication of such notice.

§ 11. Every fire insurance company authorized to transact business in this state is hereby required to report to the state fire marshal, through the secretary or other officer of the company designated by the board of directors for that purpose, all fire losses on property insured in any such companies, giving date of fire, the amount of probable loss,

the character of the property lost or destroyed, and the supposed cause of the fire together with the amount of insurance carried by such company. Such report shall be mailed to the fire marshal within three days after the notice of loss received by such company. Each company is hereby also required to report the amount of loss as adjusted on each fire after adjustment is made. Such report shall be in addition to, and not in lieu of, any reports such company may be required to make by any law of this state to the Commissioner of Insurance.

§ 12. Any officer referred to in this act, who neglects to comply with any of the requirements of this act, shall, upon conviction, be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) dollars for each neglect or violation.

§ 13. The fire marshal shall receive an annual salary of twenty-five hundred dollars (\$2,500). The chief assistant fire marshal shall receive an annual salary of eighteen hundred dollars (\$1,800). The fire marshal, chief assistant fire marshal, and all other employees of the state fire marshal's office shall receive their compensation monthly. All officers who shall perform any service at the request of the fire marshal, chief assistant fire marshal, shall receive the same fees as officers in district court, and such fees shall be paid out of the fire marshal's fund as witnesses testifying under this act.

§ 14. The Commissioner of Insurance shall employ clerks and assistants and incur such other expenses as may be necessary for the fire marshal and chief assistant fire marshal in the performance of their duties, including necessary traveling expenses, not to exceed, including salaries, such sums as may be paid into the state treasury in the manner hereafter provided. Provided that no clerk or assistant shall be appointed, except as expressly provided for in this act, until the necessity for such appointment shall first be passed upon by the Governor and approved by him.

§ 15. The Commissioner of Insurance and the fire marshal shall make rules for the prevention of fires, and such rules shall be fully explained to all state, county and city boards and officers by the fire marshal or his assistants. All such rules shall be posted in such conspicuous places as will tend to be of the greatest benefit to the residents of the state, and when called upon the fire marshal, or one of his assistants, shall appear before such boards and explain the benefits derived by the compliance with such rules and regulations in the reduction of the hazardous conditions and the reduction in loss by fire.

§ 16. For the purpose of maintaining the department of

the fire marshal and paying the expenses incident thereto every mutual and domestic fire insurance company doing business in the state of North Dakota (excepting therefrom county mutual insurance companies) shall hereafter pay to the Commissioner of Insurance on or before April 1, 1913, and annually thereafter a tax upon its fire premiums or assessments, or both, as follows: A sum equal to one-half of one per cent ($\frac{1}{2}$ per cent) of the gross premiums and assessments less return premiums on all direct business received by it in this state, or by its agents for it, in cash or otherwise, and during the preceding calendar year.

Provided, however, that if the amount so raised be not sufficient to maintain the office of fire marshal, as herein provided, that the balance so required to support said office, as herein stated, shall be paid out of the two and one-half per cent tax now paid by foreign companies in this state.

Provided, further, that this act shall in no way affect the tax due March 31, 1913, and the payment thereof. The money so received into the state treasury shall be set aside as a special fund, and is hereby appropriated for the maintenance of such office of state fire marshal, and the expenses incident thereto. The state shall not be liable in any manner for the salary of said fire marshal, chief assistant fire marshal, or his subordinates, for the maintenance of the office of fire marshal, or any expense incident thereto, and the same shall be payable only from the special fund provided for in this section, and from the two and one-half per cent tax provided in this section, and the allowance for expenses as provided in this act shall be paid out only on an itemized statement, verified by oath, with receipted bills attached.

§ 17. The fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department, and shall approve all vouchers issued therefor before the same are submitted to the State Auditor for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the state.

§ 18. All records on file in the fire marshal's department shall be public, except testimony, correspondence or other matter taken in any investigation under the provisions of this act, which the fire marshal, in his discretion, may withhold from the public.

§ 19. The state's attorney of any county, upon the request of the fire marshal, his deputies, or assistants, shall assist such officers upon an investigation of any fire which, in their opinion, is of suspicious origin.

§ 20. All penalties, fees or forfeitures collected under the provisions of this act shall be paid into the treasury of the state for the benefit of the fire marshal's fund.

§ 21. The fire marshal shall submit annually as early as consistent with full and accurate preparation, and not later than the 15th day of October of each year a detailed report of his official actions to the Governor.

§ 22. There shall be paid to the chiefs of fire departments and mayors of cities, who do not receive to exceed fifty dollars (\$50) annually as compensation for their services as such chiefs and mayors, and to the presidents of village boards, who are by this act required to report fires to the fire marshal, the sum of one dollar and fifty cents (\$1.50) for each fire reported to the satisfaction of the fire marshal. Said allowance shall be paid by the fire marshal at the close of each fiscal year out of any funds appropriated as heretofore provided for the use of the office of said fire marshal.

§ 23. All chiefs of departments, who receive a stated salary and devote their entire time to the duties of chiefs of departments, and the mayors of cities, who receive a stated salary exceeding fifty dollars (\$50.00) as such officers, shall be precluded from receiving any extra allowance for the report herein mentioned.

§ 24. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 25. EMERGENCY.] Whereas, an emergency does now exist in that we have no law governing the office of fire marshal, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1913.

FORESTER

CHAPTER 170.

[H. B. No. 409—Haroldson.]

NURSERIES, STATE FORESTER.

AN ACT Authorizing the Establishment of Nurseries Under the Supervision of a State Forester, Providing for the Distribution of Seeds and Forest Trees, Seedlings to Institutions and Land Owners of the State.

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

§ 1. STATE FORESTER.] For the promotion of forestry in this state there is hereby created the office of state forester. This office shall be filled by the President of the School of Forestry. He shall have general supervision of the raising and distribution of seeds and forest tree seedlings as hereinafter provided; shall promote practical forestry; compile and disseminate information relative thereto, and publish the results of such work by issuing and distributing bulletins, lecturing before farmers institutes, associations and other organizations interested in forestry, and in such other ways as will most practically reach the public.

§ 2. STATE NURSERY.] There shall be established in connection with the state School of Forestry and under the direction of the state forester a forest tree nursery for the propagation of seeds and forest tree seedlings which shall be best adapted to the climatic conditions of this state. For such purpose the board of trustees of the school of forestry shall set apart a tract of not less than ten acres of the lands belonging to such school.

§ 3. DISTRIBUTION.] Seeds and seedlings from such nursery shall be distributed to citizens and land owners of this state upon the payment of the actual cost of transportation from the nursery to the place where the same are to be planted. As a condition precedent to such distribution the citizen or landowner making application therefor must agree to plant the seeds and seedlings distributed under the direction of the state forester and in conformity with his instructions.

§ 4. The state forester is hereby required to furnish to each applicant for seeds or forest tree seedlings, suitable directions for planting the same, and when requested so to do, shall furnish skilled assistants to supervise such work and in the event that assistance is furnished, the applicant therefor shall pay the expense thereof.

Approved March 11, 1913.

FUNGICIDES

CHAPTER 171.

[S. B. No. 49—Porterfield.]

PROHIBITING SALE OF ADULTERATED INSECTICIDES AND FUNGICIDES.

AN ACT for Preventing the Manufacture, Sale or Transportation of Adulterated Insecticides and Fungicides, and for Regulating Traffic Therein and Fixing Penalties for the Violation of this Act.

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

§ 1. It shall be unlawful for any person to manufacture within the State of North Dakota any insecticide, Paris Green, lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act.

§ 2. Any person who shall offer for shipment or deliver from any point in the State of North Dakota, to any other point in the State of North Dakota, any insecticide, or Paris Green or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act; or, any person who shall receive, or offer to receive, any insecticide, or Paris Green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act, and having received, shall sell or deliver, or shall offer for sale or delivery, such adulterated or misbranded insecticides, or Paris Green or lead arsenate, or fungicide, shall be guilty of a violation of this act.

§ 3. For the purpose of this act, an article shall be deemed to be "adulterated."

In the case of Paris Green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic, equivalent to less than twelve and one-half per centum of arsenic oxide ($A s_2 o_3$); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide ($A s_2 o_3$);

fourth, if any substances have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength; *provided*, however, that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled "lead arsenate and water," the percentage of water being plainly and correctly stated on the label.

In the case of insecticides and fungicides other than Paris Green and lead arsenate: First, if its strength or purity falls five per cent or more below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended to use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling or mitigating insects, shall be injurious to such vegetation when used.

§ 4. The term "misbranded" as used herein shall apply to insecticides, Paris Green, lead arsenate or fungicide, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design or device regarding such article or the ingredients of the substances contained therein which shall be false or misleading in any particular.

§ 5. For the purpose of this act, an article shall be deemed to be "misbranded"—

In case of insecticides, Paris Green, lead arsenate and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser; or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and if the contents are not stated in terms of weight or measure, and they are not plainly and correctly stated on the outside of the package.

In the case of insecticides other than Paris Green and lead arsenates and fungicides: First, if they contain arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel or mitigate insects or fungi and

does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; *provided*, however, that in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amount of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except insofar as to state the total percentage of inert ingredients present.

§ 6. It shall be the duty of the Food Commissioner to collect from time to time specimens of insecticides, Paris Greens, lead arsenates and fungicides in unbroken original packages, manufactured or offered for sale in the state of North Dakota, for the purpose of determining whether or not such insecticides, Paris Greens, lead arsenates and fungicides are adulterated or misbranded within the meaning of this act.

§ 7. When any citizen of the state has any reason to believe that any particular brand or lot of insecticide or Paris Green, or lead arsenate, or a fungicide, is adulterated or misbranded within the meaning of this act, he may send or deliver to the Food Commissioner at Fargo an original unbroken package of the article in question. Upon receipt of such a questionable article it shall be the duty of the commissioner to examine or cause an investigation to be made, and, at his discretion, may cause chemical examinations of such questioned articles as hereinafter provided.

§ 8. Upon the receipt of specimens of insecticides, Paris Green, lead arsenates and fungicides in unbroken original packages, as hereinbefore provided, the Food Commissioner of the Experiment Station shall make or cause to be made a chemical analysis of such specimens for the purpose of determining whether or not they comply with the requirements of this act; *provided*, that when the commissioner has information showing samples delivered to him for examination are out of lots of insecticides, Paris Greens, lead arsenates or fungicides that have already been examined a sufficient number of times to indicate whether or not they comply with the requirements of this act, then the commissioner may refuse to examine such lots and so notify the citizens of the state.

§ 9. The term "insecticide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects, mites or ticks which may infest vegetation, man or other animals, or household, or be present in any en-

vironment whatsoever. The term "Paris Green" as used in this Act shall include the product sold in commerce as Paris Green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this Act shall include the product or products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. The term "fungicide" as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

§ 10. No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the state of North Dakota from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it; said guaranty, to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach to the prosecution, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

§ 11. Any insecticide, Paris Green, lead arsenate or fungicide that is adulterated or misbranded within the meaning of this Act and is being transported from one point within the State of North Dakota to another point within the State of North Dakota to be sold, wholly or in part, or having been transported, remains unloaded, unsold or in original unbroken packages, or if it be sold or offered for sale in the State of North Dakota, shall be liable to be proceeded against in any district court of the State of North Dakota. If any such article is condemned as being adulterated or misbranded within the meaning of this Act, the same shall be disposed of by destruction or by sale, as said court may direct; but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of the jurisdiction; *provided*, however, that upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act or the laws of this state, the court may by order direct that such articles be delivered to the owner thereof.

§ 12. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction thereof, be fined not less than twenty-five

(\$25.00) dollars nor more than two hundred (\$200.00) dollars for the first offense, and upon conviction for each subsequent offense, be fined not less than fifty (\$50.00) dollars nor more than three hundred (\$300.00) dollars, or sentenced to imprisonment for not more than thirty days, in the discretion of the court.

§ 13. The word "person" as used in this Act shall be construed to include both the plural and the singular, as the case may be, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be an act, omission or failure of such corporation, company, society or association, as well as that of the other person.

§ 14. WHAT CONSTITUTES VIOLATION OF THE LAW.] The doing of anything prohibited by this Act shall be evidence of the violation of the provisions of this Act relating to the things so prohibited and the omission to do anything directed to be done shall be evidence of a violation of the provisions of this Act relative to the things so directed to be done.

§ 15 All Acts and parts of Acts in conflict herewith are hereby repealed, except the Formaldehyde Law, the same being Chapter 7 of the Laws of North Dakota for 1905.

Approved February 20, 1913.

GAMBLING

CHAPTER 172.

[H. B. No. 228—Hill of Cass.]

COMMON NUISANCE.

AN ACT Declaring to be Common Nuisances any House, Building, Room or Place Where Gambling Paraphernalia are Kept, and Where Persons Resort, or are Permitted to Resort for Gambling or Disorderly Purpose, and Prescribing Remedies for the Prevention, and Penalties for the Violation of the Same.

Be it Enacted by the Legislative Assembly of the State of North Dakotas

§ 1. **GAMBLING HOUSES DECLARED TO BE PUBLIC NUISANCES, PENALTY FOR MAINTAINING.]** Any house, building, room or place where any table, cards, dice, or any article of apparatus whatever, useful or intended to be used in playing any game of cards, or faro, or other game of chance, upon which property or money is usually wagered, or where persons resort, or are permitted to resort for gambling, or any disorderly house, building, room, or place of public resort, by which the peace, comfort, or decency of the immediate neighborhood is habitually disturbed, are hereby declared to be a common nuisance; and if the existence of such nuisance is established, either in a criminal or equitable action, upon the judgment of a jury, court, or judge having jurisdiction, finding such place to be a nuisance, the sheriff, his deputy, or any constable of the proper county, or marshal of any city where the same is located shall be directed to shut up and abate such place by taking possession thereof, and close the same against its use by any one, and keep the same closed for the period of one (1) year from the date of the judgment decreeing such place to be a common nuisance; and the owner or keeper thereof, or anyone aiding, abetting, or assisting such owner or keeper, shall, if in a criminal action, upon conviction, be adjudged guilty of maintainng a common nuisance and be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than one thousand (\$1,000.00) dollars, and by imprisonment in the county jail not to exceed one (1) year.

§ 2. **INJUNCTION. PENALTY FOR VIOLATION.]** The attorney general, his assistant, or the state's attorney of the

county where such nuisance exists or is maintained, may maintain an action in the name of the state to abate and to perpetually enjoin the same. The injunction shall be granted at the commencement of the action in the usual manner of granting injunctions, except that the affidavit, or complaint, or both, may be made by the state's attorney, the attorney general, or his assistant, upon information and belief. Any person violating the terms of any injunction, either temporary or permanent, granted in such proceedings, shall be punished for contempt by a fine of not less than twenty-five (\$25.00) dollars, nor more than one thousand (\$1,000.00) dollars, and by imprisonment in the county jail not to exceed one (1) year. In case judgment is rendered in favor of the plaintiff in any action brought under the provisions of this Section, either civil or criminal, the court or judge rendering the same shall also render judgment for a reasonable attorney's fee in such action in favor of the plaintiff and against the defendants therein, which attorney's fee shall be taxed and collected as other costs therein, and when collected paid to the attorney or attorneys for the plaintiff therein. *Provided*, if such attorney is the attorney general or state's attorney, such attorney's fees shall be paid into the county treasury and credited to the general fund of said county.

§ 3. OFFICERS TO TAKE POSSESSION, WHEN.] If, at the time of granting the temporary injunction described in Section 2 above, an affidavit shall be presented to the court or judge, stating or showing that any of the offenses mentioned in Section 1 of this Act are transpiring or being carried on upon the premises mentioned in the affidavit, particularly describing the said premises where said nuisances are located contrary to law, the court or judge must, at the time of granting the injunction, issue his warrant commanding the officer serving said writ of injunction at the time of such service to take possession of said house, building, room, or place, and take the same into his custody and securely lock and hold the same to abide the final judgment in the action. The expenses for such holding to be taxed as a part of the costs in the action; and such officer shall also take and hold possession of all personal property found on such premises, and shall take and hold the possession of such premises and keep the same closed until final judgment is entered, or until the possession of the same shall be disposed of by an order of the court or judge upon a hearing had before it for such purpose.

§ 4. INNOCENT PERSONS MAY RECOVER PROPERTY, HOW.] Where personal property is found in any house or room

mentioned in Section 3 of this Act, and it shall appear to the court or judge before whom said action is tried that the owner of such personal property or the person entitled to possession thereof is innocent and has not aided or abetted in carrying on the nuisance, the court shall, by order, direct the sheriff in possession of said property to deliver the same to such owner or person entitled to the possession thereof.

When leasehold premises are adjudged to be a nuisance, the owner thereof shall have the right to terminate the lease by giving three days' notice thereof, in writing, to the tenant, and when this is done the premises shall be turned over to the owner upon the order of the court or judge. But the release of the property shall be upon condition that the nuisance shall not be continued and the return of the property shall not release any lien upon said property, occasioned by any prosecution of the tenant. If the owner appears and pays all costs of the proceedings and files a bond with sureties to be approved by the clerk, in the full value of the property to be ascertained by the court or judge, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within the period of one year thereafter, the court, or in vacation, the judge, may, if satisfied of his good faith, order the premises taken and closed under the order of abatement to be delivered to said owner, and said order of abatement cancelled so far as the same may relate to said property, and if the proceedings is an action in equity and bond is given and costs therein paid before judgment and order of abatement, the action shall be thereby abated; *provided*, however, that the release of the property under the provisions of this Section shall not release it from any judgment, lien or penalty or liability to which it may be subject under any other statute or law.

§ 5. CONTEMPT PROCEEDINGS.] In contempt proceedings arising out of the violation of any injunction granted under the provisions of this Act, the court, or in vacation the judge thereof, shall have power to try summarily and punish the party or parties guilty, as required by law. Process shall run in the name of the State of North Dakota. The affidavits upon which the attachment for contempt issue shall make a prima facie case for the state. The accused may plead in the same manner as to an information or indictment, in so far as the same is applicable. Evidence may be oral, or in the form of affidavits, or both; the defendant may be required to make answer to interrogatories, either written or oral, as in the discretion of the

court or judge may seem proper; the defendant shall not necessarily be discharged upon his or her denial of the facts stated in the moving papers; the clerk of the court shall, upon the application of either party, issue subpoenas for witnesses.

§ 6. INJUNCTION. VIOLATION. HOW PUNISHED.] When an injunction, either temporary or permanent, has been granted under the provisions of this Act, the same shall be binding on the defendant or defendants, and for the violation of such injunction the offending party shall be punished as for contempt in the amount according to the rules in this Act prescribed.

§ 7. When an injunction, either temporary or permanent, has been granted under the provisions of this Act, the same shall be binding on the defendant or defendant's throughout the entire state, and for violation of such injunction any place in the state of North Dakota, the offending party shall be punished as for contempt in the amount and according to the rules in this Act prescribed.

§ 8. WHAT EVIDENCE ADMISSIBLE. IMMUNITY FROM PROSECUTION.] In prosecutions under this Act, either by civil or criminal proceedings, evidence of the general reputation of the place designated in the complaint shall be admissible for the purpose of proving the existence of such nuisance. And proof of the fact that anyone has pleaded guilty to having violated the provisions of any city ordinance or any other law of the land enacted to prevent the evils mentioned in this Chapter, if it can further be shown that such person, when so pleading guilty, was or had been at the time and place mentioned in the information, indictment or complaint in the action then pending before the court, a frequenter of such house, building, room, or place, shall be deemed prima facie evidence of the guilt of such defendant. No person shall be excused from testifying touching any offense committed by another against any of the provisions of this Act by reason of his testimony tending to incriminate himself (the witness), but the persons giving such testimony shall be forever exempt from prosecution for any offense under the provisions of this Act, of which such evidence shall directly or indirectly tend to incriminate him.

§ 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 14, 1913.

GAME

CHAPTER 173.

[S. B. No. 148—McLean.]

BEAVERS, REMOVAL OF—FISH AND GAME.

AN ACT to Amend Section 36 of Chapter 128 of the Laws of 1909, and Sections 8 and 35 of Chapter 128 Laws of 1909, as Amended by Chapter 141 of the Laws of 1911, Relating to Fish and Game; Providing for the Removal of Beavers Causing Damage to Property.

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

§ 1. Section 8 of Chapter 128 of the Laws of 1909, as amended by Chapter 141, Laws of 1911, is hereby amended to read as follows:

§ 8. EMPLOYEES.] The board may appoint and remove at pleasure, not to exceed one regular deputy game warden for each judicial district in this state. Such regular deputy wardens shall be appointed for the period not exceeding five months during each year, which months shall be designated by the game and fish board of control, providing however, the board of control may, and they are hereby authorized to appoint any of the above mentioned regular deputies in any county to serve for a period of one year, if in their judgment it is necessary for the better protection of game of the state. *Provided*, further, the chief game warden in each district may appoint one or more resident county game wardens in each county in their respective districts, who shall serve for such a time and in such manner as the chief game warden may direct. They shall serve as such resident county game wardens without compensation, except as provide in Section 24 of Chapter 128 Session Laws of 1909. Such regular deputy game wardens shall receive as full compensation for their services, not to exceed one hundred dollars per month and actual expenses incurred in the performance of their duties. Each deputy game warden shall devote his whole time to the work, under the direction of the chief game warden of the district for which he is appointed. At the close of each week he shall mail to the chief game warden an itemized statement of his expenses, and attach thereto vouchers for all moneys so expended by him, together with a statement showing his

daily activities during said week. The salaries and expenses of all employees shall be paid from the state game and fish fund. That annually after January 1, 1912 there shall be transferred from the game and fish fund by the game and fish board of control the sum of \$2,000.00 to be known as the expenses and improvement fund, to defray the necessary expenses in and about the fish hatchery as directed by the fish commission, on vouchers duly audited by the president and secretary of the board of control, and paid by the treasurer, as provided by law. Each deputy game warden shall, without delay, report to the chief game warden of his district all violations known to him and convictions secured, and give a detailed statement of the same.

§ 2. Section 35 of Chapter 128 Laws of 1909, as amended by Chapter 141, Laws of 1911, is hereby amended to read as follows:

§ 35. GAME BIRDS, SEASONS FOR KILLING.] No person shall hunt, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to anyone, have in possession with intent to sell, or have in possession, or under control at any time, any turtle dove snipe, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, Chinese ring-neck or English pheasant, Hungarian partridge, wild duck of any variety, wild goose of any variety, brant of any variety, or aquatic fowl whatever, or any part thereof, except: First that any snipe, crane of any variety, prairie chicken, pinnated grouse, white-breasted or sharp-tailed grouse, woodcock, upland plover or golden plover, may be killed and had in possession between the seventh day of September and the first day of November, (both inclusive) following. Second, that wild duck of any variety, or wild goose of any variety may be killed and had in possession between the seventh day of September and the fifteenth day of December (both inclusive) following. Any person violating the provisions of this section shall be punished by a fine of not less than ten dollars for each bird or more than twenty-five dollars, and costs of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both fine and imprisonment in the discretion of the court, for each and every bird killed or destroyed contrary to the provisions of this section.

§ 3. Section 36 of Chapter 128 of the Laws of 1909, is hereby amended to read as follows:

§ 36. DEER. SEASON FOR KILLING.] No person shall hunt shoot, catch, kill, trap, or in any way destroy any deer with-

in the boundary limits of the state of North Dakota before November 10th, 1916, and after November 10th, 1916, it shall be unlawful to kill any doe or female deer, and it shall be unlawful to hunt shoot, catch, kill, trap or in any way destroy any male deer, except from November 10th until November 30th, both inclusive. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction therefor shall be fined one hundred dollars for each deer, and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court, for each and every deer killed contrary to the provisions of this act.

§ 4. Whenever a colony of beavers is causing damage to property, the state district game warden of the game district where said beavers are causing such damage, may employ an expert of the federal government, or any other suitable person, to remove such beavers to another place where such damage cannot be caused.

§ 5. EMERGENCY.] Inasmuch as an emergency exists this law shall be in force from and after its passage and approval.

Approved March 10, 1913.

GOPHERS

CHAPTER 174.

[S. B. No. 14—Englund.]

EXTERMINATION OF GOPHERS.

AN ACT to Provide for the Extermination of Gophers, Compensation Therefor, Declaring the Gopher Pest a Common Nuisance and Defining the Term Gopher.

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

§ 1. EXTERMINATION OF GOPHERS.] When the county commissioners of any county in this state, where there are gophers, does not offer a bounty for the destruction of the same, then the township supervisors of any township within such county, upon a petition of ten resident land owners therein, are hereby authorized and empowered to appoint some suitable person, or persons, whose duty it shall be to

poison, kill and exterminate the gophers within such township, and any person so appointed is hereby empowered and directed to, between April first and July first, enter upon any farm, a railroad right of way, grounds, or premises where there are gophers and poison, kill and exterminate the gophers, thereon when the owner, or occupant thereof, shall neglect or refuse to do so.

§ 2. NOTICE, HOW SERVED.] It shall be the duty of the person so appointed to give anyone on whose premises are found gophers ten days' notice in writing to poison, kill or exterminate the same; and if upon the land right of way of any railroad company such notice may be served upon its agent at the station nearest to such land or right of way; or if such land is unoccupied and owned by a non-resident such notice shall be mailed to its owner's address, or if address is unknown posted upon the land or premises where such gophers are to be exterminated, and if the work of exterminating same is not done within such time the person so appointed by the township supervisors shall proceed to poison, kill and exterminate the gophers on such land or premises, *provided*, that any person authorized to exterminate gophers according to the provisions of this act shall, when poison is laid out, use every precaution to prevent the destruction of domestic fowls or animals, and of game birds, by such poison, and no person shall lay out poison in any pasture where there are stock, or within forty rods of any occupied dwelling or farm house, without the knowledge and consent of the owner or occupant thereof.

§ 3. COMPENSATION, STATEMENT AND VOUCHER TO BE CHARGED AGAINST LAND AS TAXES, AFTER DUE NOTICE.] Any person so appointed under the provisions of this act, shall receive as compensation, the sum of two dollars and fifty cents per day for ten hours' labor performed in poisoning and exterminating gophers. He shall also be reimbursed for all poison and grain used in the performance of such work. Such person shall make a sworn statement to the township of the time put in and the poison and grain used on each tract of land, *provided*, that the maximum charge against any parcel of land containing twenty acres or more, shall not be greater in any one year than at the rate of ten dollars per one hundred and sixty acres, and the minimum charge shall not be less than one dollar against any parcel of land, which amount shall be paid by such township out of its general fund and charged as taxes against each parcel of land on which the expenses were incurred. *Provided*, further, that before the township supervisors shall charge such amounts to the taxes of such person or corporation, the township supervisors shall give such person or corporation at least twenty days' notice by mail, of the time

when, and the place at which such amount will be charged against them; and such person or corporation shall have the right to appear and show cause why such amount shall not be charged against their taxes. *Provided*, further, that if such person or corporation shall feel aggrieved by the decision of the township supervisors, such person or corporation may appeal to the district court, and such appeal shall be perfected and prosecuted in the same manner as appeal in justice courts, and the county auditor shall enter such amounts upon the tax roll of the county against the land on which such work has been done, and expenses incurred, except the expenses of exterminating gophers on state lands, which shall be paid by the township; and the county treasurer of such county shall collect such amounts the same as taxes, and place the same to the credit of the respective townships from which collected.

§ 4. COUNTY COMMISSIONERS TO APPOINT IN UNORGANIZED TOWNSHIPS.] The county commissioners of any county in this state not offering bounty on gophers shall, upon a petition of ten resident land owners of any unorganized township within such county, appoint suitable person or persons to destroy and exterminate the gophers within such township, in the same manner as if appointed by the township supervisors of any organized township according to the provisions of the preceding sections of this act, and such person shall proceed to poison, kill and exterminate the gophers according to the provisions of the preceding sections, and make sworn statements in like manner to the county; and the expense so incurred shall be paid out of the general fund of such county; and the county commissioners before entering such amounts as taxes against the land on which the expenses were incurred, shall issue notices as provided for in the preceding section, which hearing shall also be subject to appeal in like manner; such amounts shall be charged upon the tax roll of the county against the land on which the expenses were incurred, and the county treasurer shall collect such amounts the same as taxes and place the same in the general fund of the county.

§ 5. GOPHERS DEFINED.] The word "gopher" as used in this act shall mean to include striped gopher, flicker tail gopher, pocket gopher and prairie dogs.

§ 6. EMERGENCY.] Whereas, this state is suffering a great annual loss to the growing crops by the gopher pest, it is hereby declared that the gophers are a common nuisance and should be exterminated, and whereas, there is now no law adequate for the destruction of gophers, this act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1913.

GLANDERED HORSES

CHAPTER 175.

[H. B. No. 13—Enderson.]

GLANDERS.

AN ACT to Amend and Re-enact Chapter 170 of the Laws of 1907, Entitled, "An Act Indemnifying Owners for Animals Killed or Destroyed According to Law for Being Affected with the Disease Known as Glanders."

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

§ 1. AMENDMENT.] Sections 1, 2, 3, and 4, Chapter 170, Session Laws of 1907 are hereby amended and re-enacted to read as follows:

§ 1. APPRAISAL. HOW MADE.] Whenever the state live stock sanitary board, or any of its authorized agents, shall deem the slaughter of a horse, gelding, mare, ass or mule necessary under the provisions of Section 10, Chapter 169, Session Laws of 1907, the actual value of said animal at the time of appraisal shall be determined by the state live stock sanitary board or its agent within twenty-four hours after the killing or destruction is ordered; *provided*, that if the owner or keeper is aggrieved by such appraisal he may cause a board of appraisers to be appointed according to Section 2 of this Act; *provided* the provisions of this Section shall not prevent the owner or keeper of animals condemned and ordered destroyed by the live stock sanitary board from the right of protest and examination as provided for in Section 10 of Chapter 169, Session Laws of 1907.

§ 2. APPRAISERS, HOW APPOINTED.] In case the owner, or his agent, of the animal or animals to be destroyed under the provisions of this Act is not satisfied with the appraisal made by the state live stock sanitary board or its agents, he may protest against the same, whereupon a board of three appraisers is to be formed, of which one member shall be the agent of the state live stock sanitary board, one member shall be selected by the owner of the animal or animals involved, and a third member shall be selected by the first two members as herein provided. Whereupon an appraisal of the animal or animals involved shall be made by such board, according to Section 3 of this Act, and in case all appraisers or any two of them agree

upon a certain valuation, this appraisal shall be regarded as final.

§ 3. MAXIMUM VALUATION.] In making the appraisal the value put upon the animal or animals shall be the amount that such animal or animals would be worth had they not been affected with glanders; *provided*, however, that in no case shall the appraised value of any one animal exceed one hundred dollars to be paid by the state as herein after provided.

§ 4. PROCEDURE OF DESTRUCTION AND CERTIFICATION.] It shall be the duty of the state live stock sanitary board or its authorized agent, who ordered the destruction of the animal or animals involved, and who made the appraisal or took part in the same, to give notice of said facts in writing to the owner or keeper of said animal or animals, and to certify to such facts in writing to a justice of the peace of the county in which the said animal or animals are located, describing in said notice the deceased animal or animals with a reasonable degree of certainty, stating the name of the animal when known.

§ 5. DUTY OF OWNER.] It shall be the duty of the owner or keeper of an animal or animals to be destroyed to destroy the same or cause the same to be destroyed and to dispose of the carcas or carcasses or cause the same to be disposed of before two witnesses or before the agent of the live stock sanitary board, in accordance with Section 12 Chapter 169, Session Laws of 1907, and to make proper affidavit of such facts, which shall be sworn to by such witnesses or the agent of the state live stock sanitary board before the justice of peace to whom the certification provided for in Section 4 of this Act was made, within five days after the destruction notice was served upon him.

§ 6. COMPENSATION OF ANIMALS KILLED.] It shall be the duty of the justice of the peace to file with the executive officer of the state live stock sanitary board the certification of the state live stock sanitary board or its authorized agent and the affidavits of the owner or keeper, sworn to according to Section 5 of this Act, that the animal or animals have been killed and buried in accordance with Section 12, Capter 169, Session Laws of 1907. The executive officer of the state live stock sanitary board, after recording the same upon his docket shall examine the same, and if found correct, file the same with the state auditor, who shall issue a warrant on the state treasurer for one-half of the sum named in the appraisers' return.

§ 7. DUTIES OF JUSTICE OF THE PEACE.] When the owner or keeper of animals ordered destroyed by the agent of

the live stock sanitary board fails to comply with such order and to file with the justice of the peace the affidavit herein required, the justice of the peace to whom the notice of the destruction of an animal or animals ordered to be destroyed was made, must notify the sheriff or any constable within the county that the order of the state live stock sanitary board, or its authorized agent, has not been complied with, or that the animal or animals have not been killed and buried as provided for in Section 12, Chapter 169, Session Laws of 1907, failure to make affidavit as provided for in Section 5 of this Act to be construed as non-compliance with the provisions of this Act.

§ 8. DUTY OF SHERIFF.] It shall be the duty of the sheriff or constable of the county, immediately after receiving notice from the justice of the peace to proceed to destroy the animal or animals ordered to be destroyed by the state live stock sanitary board or its authorized agent and the officer performing such duty shall receive compensation therefor as is prescribed by law for like services and shall be paid therefor in like manner.

§ 9. PROCEEDINGS, HOW CONDUCTED. FEES.] The justice of the peace to whom certification is made shall enter upon his docket a record of all proceedings and to tax all costs of justices, officers, and appraisers other than the authorized agent or agents of the state live stock sanitary board, which costs and fees shall be certified by him to the board of county commissioners, and shall be audited and paid out of the general fund of such county, the same as costs in criminal actions before justices of the peace; *provided*, however, that it shall appear in any such proceeding that the animal or animals destroyed have not been kept within the county where the proceedings are had for at least sixty days immediately prior to such order of destruction, then the costs of all proceedings hereunder shall be certified by the county auditor of the county wherein the proceedings took place to the state auditor, who shall issue a warrant on the state treasurer for the amount of the costs paid by the county in favor of the county auditor of such county, such warrant to be paid out of the general fund of the state for the purpose of reimbursing said county.

§ 10. PAYMENTS, WHEN NOT MADE.] The right of indemnity shall not exist and payment shall not be made in the following cases:

1st. For animals belonging to the United States or the State of North Dakota, or any city, county, township or village in the state.

2nd. When the owner or claimant at the time of com-

ing into possession of the animal or animals knew such animal or animals to be diseased with glanders or exposed to such disease.

3rd. When the owner, his agent or claimant failed to make affidavit of the destruction and disposal of the carcass or carcasses before the justice of the peace as provided for in Section 5 of this Act.

4th. For animals found to have been diseased at the time of their arrival in this state.

5th. For animals that are brought into the state to do contract work.

6th. When the animal or animals at the time of their destruction have been in the state less than six months.

7th. When the owner or owners shall have been guilty of negligence or wilfully exposing his or their animal or animals to the influence of infected or contaminated surroundings.

8th. When the owner or claimant is not a resident of the state of North Dakota.

§ 11. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved March 15, 1913.

GRAIN

CHAPTER 176.

[S. B. No. 131—Thoreson.]

TESTING AND GRADING GRAIN.

AN ACT to Require Public Warehouses to First Clean a Sample of Any Grain Before Testing for the Grade of Such Grain, and Providing a Penalty for the Violation of This Act.

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

§ 1. GRADING OF GRAIN.] All public warehouses within this state, as defined by Section 2244 of the Revised Codes of North Dakota for 1905, when requested by the seller, shall, before testing for grade any grain handled by them, remove therefrom and make due allowance for any dockage of such grain made by reason of the presence of straw, weed seeds, dirt or any other foreign matter. Such test shall be made by taking a fair sample of such grain and cleaning the same before testing for the grade of such grain. And no public warehouse within this state, as defined in Section 2244 of the Revised Codes of 1905, shall grade any grain offered to it for sale in this state, after such request has been made, until due allowance has been made for such dockage and such dockage has been deducted or removed from such grain; and, when such dockage has been removed, deducted or allowance made for the same by such public warehouse, such warehouse shall proceed to test such grain for grade and shall grade the same as if such dockage had been removed, deducted or allowance made therefore as provided herein.

§ 2. MISDEMEANOR. PENALTY FOR VIOLATION.] Any person, association, co-partnership or corporation, or the agent of any person association co-partnership or corporation owning, operating or conducting the business of a public warehouse, in this state, who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten nor more than thirty days or both such fine and imprisonment.

Approved March 12, 1913.

HAIL INSURANCE

CHAPTER 177.

[S. B. No. 115—McBride.]

HAIL INSURANCE, POLICIES IN EFFECT.

AN ACT Fixing the Time When Policies of Hail Insurance Companies Shall Take Effect.

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

§ 1. Every insurance company engaged in the business of insuring against loss by hail in this state, shall be bound, and the insurance shall take effect from and after twenty-four hours from the day and hour the application for such insurance has been taken by the authorized local agent of said company, and if the company shall decline to write the insurance upon receipt of the application, it shall forthwith notify the applicant and agent who took the application, by telegram, and in that event, the insurance shall not become effective. *Provided* that nothing in this act shall prevent the company from issuing a policy on such application and putting the insurance in force prior to the expiration of said twenty-four hours.

§ 2. No provision herein, however, shall apply to the State Hail Insurance Department.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1913.

HERD LAW

CHAPTER 178.

[S. B. No. 13—McLean.]

STOCK RUNNING AT LARGE.

AN ACT to Amend Sections 1933, 1934, 1935, 1936, 1937 and 1938 of the Revised Codes of 1905, Relating to Stock Running at Large.

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

§ 1. AMENDMENT.] Sections 1933, 1934, 1935, 1936, 1937 and 1938 of the Revised Codes of North Dakota for 1905 are hereby respectively amended to read as follows:

§ 1933. UNLAWFUL FOR STOCK TO RUN AT LARGE.] It shall be unlawful for cattle, horses, mules, swine, goats and sheep to run at large at any time, except as hereinafter provided.

§ 1934. HERD LAW. HOW AND WHEN SUSPENDED.] The board of county commissioners of each county in the state shall establish stock districts including all of the territory within the county for the purposes hereinafter provided. The boundaries of districts so established shall follow township lines. A stock district may consist of one or more congressional townships, or the entire county may be made to comprise one district, and all districts shall be subject to the jurisdiction of the board of county commissioners for the purpose of this act. If one-fourth of the electors of any such district, as determined by the whole number of votes polled at the general election last held therein, shall file a petition in the office of the county auditor asking that stock be permitted to run at large between certain dates specified in such petition, and that the question of permitting stock to run at large in such district between such dates be submitted to the voters of said district at the next general election, it shall be the duty of the board, within ten days thereafter, at a regular or special meeting, to declare by resolution that stock may run at large within the limits of said district between the dates named in said petition except within the corporate limits of any city or village; but no stallion, jack, boar, ram, bull, or other animals known to be vicious, shall be permitted to run at large at any time. Said resolution shall state the date of its taking effect, and shall be effective to permit stock to run at large between said dates from and after the date speci-

fied in said resolution until said proposition shall have been voted upon by the electors of said district. Provided that the board of county commissioners may, at any regular or special meeting, when it is deemed advisable, adopt the resolution herein authorized without being first petitioned so to do.

§ 1935. WHEN SUBMITTED TO VOTE.] Whenever it shall have been declared lawful for stock to run at large within a certain district between specified dates, then, at the next general election, but at no other time, said question shall be submitted to a vote of the electors of such district. The law governing the giving of notices of general elections shall govern the giving of notice for such election.

§ 1936. FORM OF BALLOTS. EFFECT OF VOTE.] The ballots used at such election shall be in the following form, the dates named in the resolution to be inserted therein:

For stock to run at large between—

Against stock to run at large between—

In voting on the question each voter must place at the right of the proposition he favors the mark "X." If a majority of the ballots cast is in favor of letting stock run at large between said dates, the provisions of Chapter 44 of the Code of Civil Procedure shall not apply during such period, but shall apply at all other times of the year. If a majority of the ballots is against letting stock run at large, the resolution of the board of county commissioners declaring it unlawful for stock to run at large between said dates shall be nullified from and after the canvass of such vote, and said board shall not have authority against to declare a change in the law for a period of two years.

§ 1937. WHEN PROPOSITION MAY AGAIN BE SUBMITTED.] After the electors of any stock district shall have voted to permit stock to run at large as herein before provided such vote may be nullified and stock prohibited from running at large at any time by resolution of the board of county commissioners and vote of the people upon the proceedings provided for the suspension of the provisions of this article. The result of any election held hereunder shall remain in force until changed at some subsequent election, except as herein otherwise provided.

§ 1938. In any stock district in which an election has been held under the provisions hereof and in which the result of such election shall have been declared to be in favor of permitting stock to run at large between certain dates a fence constructed as hereinafter described shall be sufficient and lawful.

Approved March 10, 1913.

HIGHWAYS

CHAPTER 179.

[S. B. No. 333—Hyland.]

HIGHWAY COMMISSION.

AN ACT Creating a State Highway Commission, Defining Their Duties and Powers. Emergency.

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

§ 1. The governor, state engineer and one other member to be appointed by the governor shall constitute the state highway commission. They shall serve without extra compensation.

§ 2. The Governor shall be ex-officio chairman of the said highway commission. The commission shall have a common seal. The members thereof shall have power to administer oath, and it shall hold regular meetings at the state capital not less than once in every two months. The state engineer shall be secretary of the commission. The state engineer shall file and safely keep all maps and paper belonging to the commission, and shall keep a record of every vote and official act of the said commission. It shall be the duty of the state engineer to prepare plans and specifications and superintend the construction of any road under the direction of the highway commission when requested by any board having jurisdiction over said road, also to give such advice, assistance and supervision with regard to road construction throughout the state as time and conditions will permit, and as rules and regulations of the commission may prescribe, and he and his assistants may be required by the commission to attend any public meeting held by the commission or other parties in the interest of road improvement in the state.

§ 3. It shall be the duty of the state highway commission upon request of any board of county commissioners to require the state engineer to prepare plans and specifications for the construction or improvement of any road within such county, and to make surveys, and in general supervise road construction in said county. It shall also be the duty of the state highway commission to require the state engineer to prepare maps of each county showing the roads in the county and the location of all bridges and culverts, and also showing the roads on which it is proposed to utilize state

funds whenever such funds may be by law provided for this purpose.

§ 4. The attorney general shall be ex-officio attorney of the commission and he shall give the commission such legal counsel, advice and service as it may from time to time require.

§ 5. It shall be the duty of the highway commission to issue bulletins containing advice and suggestions and the law concerning highway construction from time to time as they shall deem most practicable.

§ 6. County commissioners and city and town officials having the care of and authority over roads throughout the state shall on request furnish said highway commission any information which they may possess and required by said highway commission, concerning roads within their jurisdiction.

§ 7. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1913.

CHAPTER 180.

[H. B. No. 249—Martin.]

STATE ENGINEER'S DUTIES IN CONSTRUCTION OF HIGHWAYS AND CULVERTS.

AN ACT Prescribing the Duties of the State Engineer in Connection with the Construction of Bridges and Culverts.

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

§ 1. It shall be the duty of the State Engineer, whenever requested by any board of county commissioners of any county in the state, or by any board of township supervisors, to prepare plans for the construction of any bridge or culvert, or to examine and report on any existing bridge or culvert. In making examinations and surveys and plans for such bridges or culverts, he shall, in so far as possible, co-operate with the county surveyor or county superintendent of highways in such county.

§ 2. For any services rendered under Section one of this act, he shall receive for such services the sum of ten dollars per day and actual and necessary traveling expenses while employed on this work, to be paid by the board of county commissioners or the board of township supervisors, as the case may be. All fees received for services rendered under Section one of this act shall be transmitted to the State Treasurer monthly.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1913.

CHAPTER 181.

[H. B. No. 380—Committee on Highways.]

AUTHORIZING PRIVATE ASSOCIATIONS TO BUILD ROADS

AN ACT Entitled "An Act Authorizing Private Associations or Organizations to Work Upon and Improve the Public Roads at Their Own Expense, and to Name Said Roads Under the Authority and With the Approval of the County Commissioners of the Various Counties."

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

§ 1. It shall be lawful for any private organization or association of people to enter upon any work of improvement or construction of the public highways of this state under authority of the county commissioners of the county in which such road lies, and to construct, work upon, improve, drain, and guide board the same at their own expense in such manner as said county commissioners shall approve of; *provided*, however, that this act shall not apply to highways in any city or town without the consent of the proper authorities thereof.

§ 2. Wherever any such association or organization desires to so enter upon and improve or do any such work of road construction of a trunk line of road in or across any county they shall first apply to the county commissioners of such county for permission to make such improvement or do such work of construction, furnishing a general statement and plan of the work to be so done to the satisfaction of such board, and if such commissioners are satisfied that the proposed work will result in the betterment of the road in question they may grant such application.

§ 3. Where application is made as in section two hereof provided for permission to so improve or construct a trunk line of road the association or organization proposing to do such work, may present with their application a proposed distinctive name for such road, which name so proposed shall thereupon become the name of such road if the application is allowed, unless the county commissioners for good cause shown refuse to allow such name.

§ 4. In any case where any association or organization has heretofore entered upon any work of improvement of any such road as is mentioned in section two hereof, and worked, built, or improved the same, or erected guideboards along the line thereof, or named and marked any

such road, their acts in that regard shall be deemed in all things equivalent to a naming of such road under the provisions of section three hereof, and the name so heretofore given to such road shall be recognized as the name thereof.

§ 5. *Provided*, wherever any road has heretofore or may hereafter be named as provided herein no other parallel or competing road in the state shall be named with the same name or any combination or variation thereof likely to attract travel from said road so first named, and in all cases the road so first named by designation with the county commissioners as herein provided, or the road so first actually named and marked heretofore shall have the right to use such name to the exclusion of all other roads, except roads being improved under the provisions hereof and connecting with and extending said road in the same general course.

§ 6. This act shall not be construed as in any manner excluding any of the public authorities from also working upon or improving such roads, except that it shall be unlawful for anyone working under public authority to so work upon such roads as to destroy their usefulness as highways of general travel, or destroy, or obstruct the same, or the improvements so made upon them, and anyone doing so shall be guilty of a misdemeanor.

§ 7. It shall be unlawful for anyone to destroy or remove from any such road as described in section two any guide-boards or markings indicating the course, condition, or name of such road, and anyone violating this section shall be guilty of a misdemeanor.

§ 8. No work done by any such organization or association under the provisions hereof shall be or become a public charge upon any municipality, but any of the towns, cities, villages, or townships through, or by which said road runs, or the county in which the same lies may work upon and improve such road in connection with such organization or society in the same manner and to the same extent as though no private work was being done thereon.

§ 9. It is the purpose of this act to encourage the cooperation of private enterprise with the public authorities in the construction of through lines of road in this state, and to permit roads so constructed to become known and recognized as highways of travel, and to protect the private interests engaged in the improvement thereof from appropriation by others of their distinctive name, and this act shall be liberally construed to effectuate that purpose.

§ 10. Whereas, an emergency exists this law shall take effect immediately after its passage and approval.

Approved March 6, 1913.

HOMESTEADS

CHAPTER 182.

[S. B. No. 141—Bronson.]

CONFIRMATION OF CONVEYANCE OF THE FAMILY HOMESTEAD.

AN ACT to Amend and Re-enact Section 4974 of the Revised Codes of 1905, Providing for the Confirmation of the Conveyance of the Family Homestead in any Case in Which the Same Has Been Deeded by Both Husband and Wife in Separate Instruments Where Said Deeds Purport to Convey the Land to the Same Person or His Grantees, and Validating Such Deeds.

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

§ 1. AMENDMENT.] That Section 4974 of the Revised Codes of North Dakota for the year 1905 be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 4974. SEPARATE DEEDS OF HUSBAND AND WIFE TO SAME PROPERTY LEGALIZED.] In all cases where a married man or woman has heretofore conveyed real property which may have been the homestead of himself, or herself, or family, by a deed duly signed and acknowledged, but not signed by the wife or husband of such grantor, and such wife or husband, either before or after, by a deed duly signed and acknowledged, conveys the same real estate to the same grantee or a subsequent grantee from him, this conveyance by such separate deeds shall be valid and effectual to pass the title to such grantee or subsequent grantee, the same as if the conveyance had been made by a single instrument duly executed and acknowledged by both husband and wife.

Approved February 20, 1913.

HOTEL

CHAPTER 183.

[S. B. No. 274—Trageton.]

HOTEL REGULATIONS.

AN ACT to Fix and Regulate Obligations and Liabilities as between Hotel and Innkeepers and their Guests and Boarders and those Intending to Become such with Respect to the Baggage and Other Property of such Guests and Boarders, and the Property Belonging to or in use in any Hotel, Lodging House, Boarding or Eating House Defining and Fixing the Liability Hotel and Innkeepers for Loss of or Injury to Property of Guests or Boarders, or Persons Intending to Become Such and Giving to such Hotel and Innkeepers a Lien upon the Baggage and other Property of Guests and Boarders for Charges Due. Providing the Time and Manner of Foreclosure of such Lien, the Sale of Property Thereunder and Disposition of the Proceeds Thereof; Providing a Penalty for obtaining any Food, Lodging or other Accommodations at any Hotel, Lodging House, Boarding or Eating House with Intent to Defraud the Owner or Manager thereof and Defining what shall Constitute Prima Facie Evidence of such Intent, and to Repeal all Laws in Conflict Therewith.

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

§ 1. LIABILITY FOR THE LOSS OF PROPERTY. SPECIAL ARRANGEMENTS.] No innkeeper or hotel keeper, whether individual, partnership or corporation, who constantly has in his inn or hotel a metal safe or suitable vault in good order, and fit for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers, and bullion, and who keeps on the doors of the sleeping rooms used by guests suitable locks or bolts, and on the transoms and windows of said rooms suitable fastenings, and who keeps a copy of this Section printed in distinct type constantly posted in not less than ten conspicuous places in all in said hotel, or inn, shall be liable for the loss or injury suffered by any guest, unless such guest has offered to deliver the same to such innkeeper or hotel keeper for custody in such metal safe or vault, and such innkeeper or hotel keeper has omitted or refused to take it and deposit it in such safe or vault for custody and to give such

guest a receipt therefor. *Provided*, however, that the keeper of any inn or hotel shall not be obliged to receive from any one guest for deposit in such safe or vault any property hereinbefore described exceeding the total value of three hundred dollars and shall not be liable for any excess for such property, whether received or not.

§ 2. SPECIAL ARRANGEMENTS.] But such innkeeper or hotel keeper may by special arrangement with a guest receive for deposit in such safe or vault any property upon such terms as they may agree to in writing, but every innkeeper or hotel keeper shall be liable for any loss of the above enumerated articles of a guest in his inn or hotel after said articles have been accepted for deposit if caused by the theft or negligence of the innkeeper, hotel keeper or any of his servants.

§ 3. DUTIES OF GUESTS AND INNKEEPERS.] It shall be the duty of every guest and of every one intending to be a guest, of any hotel in this state, upon delivering to the proprietor of such hotel, or to his servants, any baggage or other articles of property of such guest for safe keeping (elsewhere than to the room assigned to such guest), demand, and of such hotel proprietor to give, a check or receipt therefor in such case, to evidence the fact of such delivery; and no hotel proprietor shall be liable for the loss of or injury to such baggage or other article of property of this guest unless the same shall have been actually delivered by such guest to such hotel proprietor or to his servants for safe keeping, or unless such loss or injury shall have occurred through the negligence of such hotel proprietor or by his servants or employees in such hotel.

§ 4. CHARACTER OF LIABILITY AS TO SUCH PROPERTY; LIMITATIONS.] The liability of the keeper of any inn or hotel, whether individual, partnership or corporation, for the loss of or injury to personal property placed by his guests under his care, other than that described in the preceding Sections, shall be that of a depository for hire, except in case of such loss or injury is caused by fire not intentionally produced by the innkeeper, or his servants, such innkeeper shall not be liable. *Provided*, however, that in no case shall such liability exceed the sum of one hundred and fifty dollars for each trunk and its contents, and ten dollars for each box, bundle or package, and contents, so placed under his care, and all other miscellaneous effects, including wearing apparel and personal belongings, fifty dollars, unless he shall have consented in writing with such guest to assume a greater liability.

And *provided*, further, whenever any person shall suffer his baggage or property to remain in any inn or hotel,

after leaving the same as a guest, and after the relation of innkeeper and guest between such guest and the proprietors of such inn or hotel has ceased, or shall forward the same to such inn or hotel, before becoming a guest thereof, and the same shall be received into such inn or hotel, such innkeeper may, at his option, hold such baggage or property at the risk of such owner.

§ 5. INNKEEPER'S LIEN.] The keeper of any inn or hotel, whether individual, partnership or corporation, shall have a lien on the baggage and other property in and about such inn belonging to or under the control of his guests or boarders for the proper charges due him from such guests for the accommodation, board and lodging, and for all money paid for or advanced to them not to exceed the sum of two hundred dollars, and for such other extras as are furnished at their request, and said innkeeper or hotel keeper shall have the right to detain the baggage and other property until the amount of such charges is paid, and such baggage and other property shall be exempt from attachment or execution until such innkeeper's lien and the cost of satisfying it are satisfied.

§ 6. SALE OF PROPERTY.] The innkeeper or hotel keeper shall retain such baggage and other property upon which he has a lien for a period of ninety days, at the expiration of which time, if such lien is not satisfied, he may sell such baggage and other property at public auction, after giving ten days' notice of the time and place of sale in a newspaper of circulation in the county where the inn or hotel is situated, and also by mailing a copy of such notice addressed to said guest or boarder at the place of residence registered by him in the register of such inn or hotel.

§ 7. DISPOSAL OF PROPERTY.] And after satisfying the lien and any costs that may accrue, any residue remaining shall, on demand within six months, be paid such guest or boarder, and if not so demanded within six months from date of such sale, such residue shall be deposited by such innkeeper or hotel keeper, with the treasurer of the county in which the inn or hotel is situated, together with a statement of the innkeeper's claim and the cost of enforcing same, a copy of the published notice, and of the amounts received for the goods sold at said sale; said residue shall by said county treasurer be credited to the general revenue fund for said county, subject to a right of said guest or boarder, or his representative, to reclaim at any time within three years of the date of deposit with said treasurer.

§ 8. JUMPING HOTEL BILLS A MISDEMEANOR. PENALTY.] Any person who shall obtain food, lodging or other accom-

modation at any hotel, lodging house, inn, boarding or eating house, without paying therefor, with intent to defraud the owner or manager thereof, or who obtains credit at any hotel, lodging house, inn, boarding or eating house by or through any false pretense, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (\$10) dollars, nor more than one hundred (\$100.00) dollars, or by imprisonment in the county jail for not more than ninety (90) days.

§ 9. PROOF; WHAT CONSTITUTES.] Proof that food, lodging or other accommodation was obtained by false pretense or by false or fictitious show or pretense of baggage or other property, or proof that the person refused or neglected to pay for such food, lodging or other accommodation, on demand or that he gave in payment for such food, lodging or other accommodation negotiable paper on which payment was refused, or that he absconded without offering to pay for such food, lodging or other accommodation, or that he surreptitiously removed or attempted to remove his or her baggage, shall be prima facie proof of the fraudulent intent mentioned on Section 8 hereof; but this Act shall not apply where there has been an agreement in writing for delay in payment for a period not to exceed ten (10) days.

§ 10. DAMAGING PROPERTY A MISDEMEANOR.] That any guest or boarder who shall intentionally destroy or damage any property belonging to or in use in any hotel, lodging house, boarding house or eating house, shall be guilty of a misdemeanor.

§ 11. REPEAL.] That all Acts or parts of Acts in conflict herewith are hereby repealed, particularly Sections 5476, 5477, 6292 and 9448 of the 1905 Revised Codes of the state of North Dakota.

§ 12. EMERGENCY.] Whereas, an emergency exists, it is provided that this Act shall be in force and take effect from and after its passage and approval.

Approved March 13, 1913.

SANITATION

CHAPTER 184.

[H. B. No. 36—O'Connor.]

SANITARY REGULATIONS FOR HOTELS.

AN ACT to Amend Sections 6 and 10 of Chapter 135 of the Laws of 1907, as Amended by Chapter 141, Laws of 1909.

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

§ 1. AMENDMENT.] Section 6 of Chapter 135 of the Laws of 1907, as amended by Section 5 of Chapter 141 of the Laws of 1909, is amended and re-enacted to read as follows:

§ 6. SANITARY PROVISIONS.] Every hotel shall be well drained, constructed and plumbed according to established sanitary principles; shall be kept clean and in a sanitary condition, and free from effluvia arising from any sewer, drain, privy, or other source within control of the owner, manager, agent, or other person in charge; shall be provided with water closets or privies properly screened, for the separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times in a sanitary condition.

All bedrooms shall be kept free from vermin, and the bedding in use shall be clean and sufficient in quantity and quality; all sheets shall be at least eight feet in length; each guest shall be furnished with two towels; in case bedrooms are carpeted the carpet or carpets thereon shall be taken up and thoroughly cleansed at least once each year; no rusted tin or iron vessel or utensil shall be used in cooking food, and all food stuffs shall be kept in a clean and suitable place, free from dampness and contact with dirty water; the floors, closets, cupboards and walls of all kitchens shall at all times be kept free from dirt and no dust or grease shall be allowed to collect thereon; a metal container shall be provided to hold ashes where such ashes are stored in or around the hotel building. In all cases where a patient having an infectious or contagious disease has been confined in a hotel room such room shall upon the removal of such patient be closed and fumigated, and upon the completion of such fumigation the certificate of a reputable physician to that fact shall be forwarded to the hotel inspector. In all hotels or lodging houses where fifty cents or more per night is charged for lodging the sheets and pillow cases shall be changed after the departure of each

guest, and within three months after the taking effect of this act it shall be unlawful to have upon a bed of any such hotel or lodging house any mattress of a lower grade than that commonly known to the trade as cotton felt combination; each mattress shall weigh at least thirty-five pounds unless it be a hair mattress, in which case it shall weigh thirty pounds or more. Each hotel, rooming house, or restaurant where fifty cents or more per meal is charged shall keep in its main public washroom individual towels or paper toweling in full view and reach of all guests at all hours. Each room shall be properly ventilated by at least one window, and by a doorway leading into the hall.

§ 2. AMENDMENT.] Section 10 of Chapter 135, Laws of 1907, is amended and re-enacted to read as follows:

§ 10. CERTIFICATE OF INSPECTION TO BE POSTED.] If the inspector shall find after examination of any hotel that this law has been fully complied with he shall issue a certificate to that effect to the person operating the same, and said certificate shall be kept posted up in a conspicuous place in said inspected building, and provided that no certificate shall be issued in any case until the inspection fee shall have been paid.

Approved February 26, 1913.

INHERITANCE TAX

CHAPTER 185.

[H. B. No. 143—Owens.]

TAXATION OF INHERITANCES, ETC.

AN ACT Providing for Taxation and Fixing the Rate on Taxation of Inheritances, Devises, Bequests, Legacies and Gifts and Providing for the Manner of Payment and the Manner of Enforcing the Payment Thereof.

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

§ 1. TAX TRANSFERS, EXCEPTIONS.] A tax shall be and is hereby imposed upon the transfer of any property or any interest therein or income therefrom in trust or otherwise, to any person, association, or corporation not hereinafter exempt, in the following cases:

1. When the transfer is by will or by the interstate laws of this state from any person dying possessed of the property while a resident of the state.

2. When the transfer is by will or interstate law, of property within this state or within its jurisdiction whether the ownership of or interest in such property be evidenced by certificate of stock or bonds of foreign or of domestic corporations and the decedent was a non-resident of the state at the time of his death.

3. When the transfer is of property made by a resident or by a non-resident when such non-resident's property is within this state or within its jurisdiction by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor, or doner or intended to take effect in possession or enjoyment at or after such death.

Provided, however, that no tax shall be imposed upon any tangible personal property of a resident decedent when such property is located without this state, and when the transfer of such property is subject to inheritance or transfer tax in the state where located and which tax has actually been paid; *provided* further that such property is not without this state temporarily nor for the sole purpose of deposit or safe keeping; and providing the laws of the state where such property is located allow a like exemption in relation to such property left by a resident of that state and located in this state.

§ 2. RATES AND EXEMPTIONS.] Upon the transfer of prop-

erty in any manner hereinbefore described of the value of one hundred thousand (\$100,000.00) dollars or less the rate of tax on all sums above the first twenty thousand (\$20,000.00) dollars where the same shall pass to or for the use of the husband or wife and on all sums above the first ten thousand (\$10,000.00) dollars where the same shall pass to or for the use of the father, mother, lineal descendant, adopted child, or lineal descendant of an adopted child shall be one per centum; and on all sums above the value of one hundred thousand dollars up to two hundred and fifty thousand (\$250,000.00) dollars so transferred to any such person, the rate shall be two per centum and on all sums above two hundred and fifty thousand (\$250,000.00) dollars up to five hundred thousand (\$500,000.00) the rate shall be two and one half per centum, and on all sums above five hundred thousand (\$500,000.00) dollars the rate shall be three per centum.

Upon the transfer of property in any manner hereinbefore described of the value of twenty-five thousand (\$25,000.00) dollars or less on all sums above the first five hundred dollars (\$500.00) where the same shall pass to or for the use of a brother or a sister of the decedent a wife or widow of a son or the husband of a daughter of the decedent, the rate of taxation shall be one and one-half per centum; and on all sums above twenty-five thousand (\$25,000.00) dollars up to fifty thousand (\$50,000.00) dollars, where the same shall pass to any such person the rate shall be two and one-fourth per centum and on all sums above fifty thousand (\$50,000.) dollars up to one hundred thousand (\$100,000.00) dollars three per centum; and on all sums above one hundred thousand (\$100,000.) dollars up to five hundred thousand (\$500,000.00) dollars, three and three-fourths per centum and all sums above five hundred thousand (\$500,000.00) dollars, four and one-half per centum.

Upon the transfer of property in any manner hereinbefore described of the value of twenty-five thousands (\$25,000.00) dollars or less where the same shall pass to or for the use of any person who shall be the brother or sister of the father or mother or a descendent of the brother or sister of the father or mother or the descendent the rate of taxation shall be three per centum; and on all sums above twenty-five thousand (\$25,000.00) dollars up to fifty thousand (\$50,000.00) dollars, passing to any such person the rate shall be four and one-half per centum and on all sums above fifty thousand (\$50,000) dollars up to one hundred thousand (\$100,000.00) dollars, six per centum and on all sums above one hundred thousand (\$100,000.00) dollars, seven and one-half per centum, and on all sums above five hundred thousand (\$500,000.00) dollars, nine per centum.

Upon the transfer of property in any manner hereinbefore described of the value of twenty-five thousand (\$25,000.00) dollars or less, where the same shall be for the use of any person in any other degree of collateral consanguinity than is hereinbefore stated, or to a transfer in blood of the decedent, or to a body politic or corporate, the rate of taxation shall be five per centum; and on all sums above twenty-five thousand (\$25,000) dollars up to fifty thousand (\$50,000.00) dollars, to any such person the rate shall be six per centum, and on all sums above fifty thousand (\$50,000) dollars up to one hundred thousand (\$100,000) dollars nine per centum, and on all sums above one hundred thousand (\$100,000.) dollars up to five hundred thousand (\$500,000) dollars twelve per centum, and on all sums above five hundred thousand dollars (\$500,000) fifteen per centum.

Upon the transfer of property in any manner hereinbefore described to or for the use of collateral relations or strangers in blood who are aliens not residing in the United States, or to or for the use of any corporation which is not chartered by the authority of the government of the United States or of any state, a tax of twenty-five per centum shall be levied and collected.

§ 3. TIME OF TAKING EFFECT.] All taxes imposed by this Act shall take effect at and upon the death of the decedent or doner and shall be due and payable at the expiration of one (1) year from such death except as otherwise provided in this Act; *provided*, however, that taxes on any devise, bequest, legacy or gift limited, conditioned, dependent, or determinable upon the happening or any contingency or future event by reason of which the full and true value thereof cannot be ascertained at or before the time when the taxes become due and payable when the person or corporation beneficially entitled thereto shall come into actual possession or enjoyment thereof.

§ 4. DUTY OF OFFICERS.] Any administrator, executor, or trustee having in charge or in trust any property for distribution embraced in or belonging to any inheritance devise, bequest, legacy or gift, subject to the tax thereon as imposed by this Act, shall deduct the tax therefrom, and within thirty (30) days thereafter he shall pay over the same to the county treasurer as herein provided.

If such property be not in money he shall collect the tax in such inheritance, devise, bequest, legacy or gift upon the appraised value thereof from the person entitled thereto.

He shall not deliver or be compelled to deliver any property embraced in any inheritance, devise, bequest, legacy or gift, subject to tax under this Act, to any person until he shall have collected the tax thereon.

§ 5. TO WHOM PAID.] The tax imposed by this Act upon inheritances, devises, bequests, legacies or gifts, shall be paid to the treasurer of the county in which the court having jurisdiction, as herein provided, is located; and the tax so imposed shall be payable to the state treasurer as hereinafter provided and the treasurer to whom the tax is paid shall give the executor, administrator, trustee or person paying such tax duplicate receipts therefor, one of which shall be immediately transmitted to the state auditor whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof; and when such tax is paid to the county treasurer he shall seal said receipt with the seal of his office and countersign the name and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts.

No executor, administrator, or trustee shall be entitled to a final accounting of an estate, in the settlement of which a tax may become due under the provisions of this Act until he shall produce a receipt so sealed and countersigned or a certified copy of the same. All taxes paid into the county treasury under the provisions of this Act shall immediately be paid into the state treasury upon the warrant of the state auditor and shall belong to and be a part of the revenue fund of the state. *Provided*, however, that the county treasurer of each county shall retain two (2) per cent of the amount of all taxes paid and accounted for by him under this Act and pay the same into the general fund of such county.

§ 6. LIEN ON PROPERTY.] Every tax imposed by this Act shall be a lien upon the property embraced in any inheritance, devise, bequest, legacy or gift until paid, and the person to whom such property is transferred, and the administrators, executors, and trustees or every estate embracing such property shall be personally liable for such tax until its payment to the extent of the value of such property.

§ 7. RATE OF INTEREST.] If such tax is not paid within one year from the accruing thereof, interest shall be charged and collected thereon at the rate of seven (7) per centum per annum from the time the tax is due, unless by reasons of claims upon the estate necessary litigation or other unavoidable cause of delay, such tax can not be determined as herein provided; in such case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which seven (7) per centum shall be charged.

§ 8. ENFORCEMENT.] Every administrator, executor, or trustee shall have full power to sell so much of the property embraced in any inheritance, devise, bequest, legacy or gift as will enable him to pay the tax imposed by this Act,

in the same manner as he might be entitled by law to do for the payment of the debts of a testator or intestate.

§ 9. DUTY OF HEIRS.] If any bequest or legacy shall be charged upon or payable out of any property, the heir or devisee shall deduct such tax therefrom and pay such tax to the administrator, executor or trustee, and the tax shall remain a lien or charge on such property until paid; and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that payment of the bequest or legacy might be enforced, or by the state's attorney or attorney general, under Section 21 of this Act. If any bequest or legacy shall be given in money to any person for a limited period the administrator, executor or trustee shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of an accounting by him to make an apportionment, if the case requires of the sum to be paid into his hands by such legatee or beneficiary, and for such further order relative thereto as the case may require.

§ 10. ERRORS, HOW CORRECTED.] When any tax imposed by this Act shall have been erroneously paid, wholly or in part, the person paying the same shall be entitled to a refundment of the amount so erroneously paid, and the auditor of state shall, upon satisfactory proofs presented to him of the facts relating thereto, draw his warrant upon the state treasurer for the amount thereof, in favor of the person entitled thereto; *provided*, however that all applications for such refunding of erroneous taxes shall be made within three (3) years from the payment thereof, and be approved by the court having original jurisdiction of the matter.

§ 11. FOREIGN ESTATES.] If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this state, standing in the name of the decedent or in trust for the decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county on the transfer thereof and no such assignment or transfer shall be valid until such tax is paid.

§ 12. DUTIES OF HOLDERS OF ASSETS, ETC.] No safety deposit company, bank or other institution, person or persons holding securities or assets of a decedent, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended transfer be served upon the county treasurer, personally or by representative, and state tax commission, to examine said securities at the time of such delivery or transfer. If upon such examination, the county treasurer and state tax

commission or their representatives shall for any cause deem it advisable that such securities or assets should not be immediately delivered or transferred, or they may forthwith notify in writing such company, bank, institution or person to defer delivery or transfer thereof for a period not to exceed ten (10) days from the date of such notice, and thereupon it shall be the duty of the party notified to defer such delivery or transfer until the time stated in such notice or until the revocation thereof within such ten (10) days. Failure to serve the notice first above mentioned, or to allow such examination or to defer the delivery of such securities or assets for the time stated in the second of said notices shall render said safety deposit company, trust company, bank or other institution, person or persons, liable to the payment of the tax due upon the said security or assets, pursuant to the provisions of this Act.

§ 13. PETITION CITATION AND ORDER.] Upon the presentation of any petition to any county court of this state for letters testamentary or of administration, or for ancillary letters testamentary or of administration, the court shall cause a copy of the citation or order for the hearing of such petition to be served upon the county treasurer of his county not less than ten (10) days prior to such hearing. The court shall thereupon, as soon as practicable after the granting of any such letters, proceed to ascertain and determine the value of every inheritance, devise, bequest, legacy, or gift embraced in or payable out of the estate in which such letters are granted and the tax due thereon.

The county treasurer shall have the same rights to apply for letters of administration as are conferred upon creditors by law.

§ 14. APPRAISERS.] The county court shall, in any matter mentioned in the preceding Section, either upon its own motion or upon the application of any interested party, including county treasurers, and as often as and when occasion requires, appoint one or more persons as appraisers to appraise the true and full value of the property embraced in any inheritance, devise, bequest, legacy or gift subject to the payment of any tax imposed by this Act.

§ 15. HOW APPRAISED.] Every inheritance, devise, bequest, legacy or gift upon which a tax is imposed under this Act, shall be appraised at its full and true value immediately upon the death of decedent, or as soon thereafter as may be practicable.

Provided, however, that when such devise, bequest, legacy, or gift shall be of such a nature that its full and true value cannot be ascertained at such time, it shall be appraised in like manner at the time such value first becomes ascertainable.

§ 16. DUTIES OF APPRAISERS, FEES AND COMPENSATION.] The appraiser appointed under the provisions of this Act shall forthwith give notice by mail to all persons known to have a claim or interest in the inheritance, devise, bequest, legacy, or gift to be appraised, including the county treasurer and state tax commission, and such persons as the county court may by order direct of the time and place when they will make such appraisal.

They shall at such time and place appraise the same at its full and true value as herein prescribed, and for that purpose the said appraisers are authorized to issue subpoenas and compel the attendance of witnesses before them, and to take evidence of such witnesses, under oath, concerning such property and the value thereof, and they shall make report thereof, and of such value, in writing to said court, together with the testimony of the witnesses examined and such other facts in relation thereto and to the said matter as said court may order to and require. Every appraiser shall be entitled to compensation at the rate of three (\$3.00) dollars per day for each day actually and necessarily employed in such appraisal, and his actual and necessary traveling expenses, and such witnesses and the officer or person serving any such subpoenas shall be entitled to the same fees as allowed witnesses or sheriffs for similar service in courts of record. The compensation and fees claimed by any person for services performed under this Act shall be approved by the judge of county court, who shall certify the amount thereof, to the auditor of state, who shall examine the same, and, if found correct, he shall draw his warrant upon the state treasury for the amount thereof in favor of the person entitled thereto.

§ 17. REPORT OF APPRAISERS.] The report of the appraisers shall be filed in duplicate with the county court, and from such report and other proof relating to any such estate before the county court, the court shall, forthwith, as of course, determine the true and full value of all such estate and the amount of tax to which same are liable; or the county court may so determine the full and true value of all such estates and the amount of tax to which the same are liable without appointing appraisers; *provided*, however, a duplicate of such report and appraisal shall be forthwith forwarded by the court to the state tax commission.

§ 18. PENALTY.] Any appraisers appointed under this Act who shall take any fee or reward from any person, representative, firm or corporation liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and shall be forthwith dismissed by the county judge from such services.

§ 19. NOTICE OF TAX.] The county court shall immediately give notice, upon the determination of the value of any inheritance, devise, bequest, legacy or gift which is taxable under this Act, and of the tax to which it is liable, to all parties known to be interested therein, including the state tax commission and county treasurer.

§ 20. RE-ASSESSMENT.] Within thirty (30) days after the assessment and determination by the county court of any tax imposed by this Act, the state tax commission, county treasurer, or any person interested therein, may file with said court objections thereto, in writing, and praying for a re-assessment and redetermination of such tax. Upon any objection being so filed, the court shall appoint a time for the hearing thereof and cause notice of such hearing to be given the state tax commissioner, county treasurer, and all persons interested at least ten (10) days before the hearing thereof. At the time appointed in such notice the court shall proceed to hear such objections, and any evidence which may be offered in support thereof or opposition thereto; and, if, after such hearing, said court shall be of the opinion that a re-assessment or redetermination of such tax should be made it shall, by order, set aside the assessment and determination theretofore made, and order a re-assessment in the same manner as if no assessment had been made.

§ 21. DUTY OF STATE'S ATTORNEY.] If the treasurer of any county shall have reason to believe that any tax is due and unpaid under this Act after the refusal or neglect of the persons liable therefor to pay the same he shall notify in writing the state's attorney of his county of said failure or neglect, and such state's attorney, if he have probable cause to believe that such tax is due and unpaid, shall apply to the county court for a citation, citing the persons liable to pay such tax to appear before the court on a day specified not more than three (3) months from the day of such citation, and show cause why the tax should not be paid. The judge of the county court, upon such application and whenever it shall appear to him that any such tax accruing under this Act has not been paid, as required by law, shall issue such citation and the service of such citation, and the time, manner and proof thereof, and the hearing and determination thereof shall conform as near as may be to the provisions of the Probate Code of this state; and whenever it shall appear that any such tax is due and payable and the payment thereof cannot be enforced under the provisions of this Act in said county court the person or corporation from whom the same is due is hereby made liable to the state for the amount of such tax, and it shall be the duty of the state's attorney of the proper county, and the attorney gen-

eral of the state, to sue for in the name of the state, and enforce the collection of such tax, and all the taxes so collected shall be forthwith paid into the county treasury. It shall be the duty of the state's attorney to appear for and represent the county treasurer on the hearing of such citation.

§ 22. RECORDS, HOW KEPT.] The auditor of state shall furnish to each county court a book which shall be a public record and in which shall be entered by the judge or clerk of said court the name of every decedent upon whose estate an application has been made for the issue of letters of administration, or letters testamentary or ancillary letters, the date and place of death of such decedent, names and places of residence and relationship to decedent of the heirs at law of such decedent, the estimated value of the property of such decedent, names and places of residence and relationship to decedent of the heirs at law of such decedent, the names and places of residence of the legatees, devisees and other beneficiaries in any will of any such decedent, the amount of the legacy, and the estimated value of any property devised therein and to whom devised.

These entries shall be made from data contained in the papers filed on such application or in any proceeding relating to the estate of the decedent.

The judge or clerk shall also enter in such book the amount of property of any such decedent, as shown by the inventory thereof, when made and filed in his office, and the returns made by any appraisers appointed by him under this Act, and the value of all inheritances, devises, bequests, legacies and gifts inherited from such decedent, or given by such decedent in his will or otherwise as fixed by the court, and the tax assessed thereon, and the amount of any receipts for payment thereof filed with him.

The state auditor shall also furnish forms for the reports to be made by such judge, which shall correspond with the entries in such book.

§ 23. REPORTS OF OFFICERS.] Each judge of the county court shall on the first day of January, April, July and October of each year, make a report in duplicate upon the forms furnished by the state auditor containing all data and matters required to be entered in such book, one of which shall be immediately delivered to the county treasurer and the other transmitted to the state tax commission.

The register of deeds of each county shall, at the same time, make reports in duplicate to the auditor of state, containing a statement of any conveyance filed or recorded in his office of any property which appears to have been made or intended to take effect in possession or enjoyment after the death of the grantor or vendor or vendee, and the de-

scription of the property transferred, as shown by such instrument, one of which duplicates shall be immediately delivered to the county treasurer and the other transmitted to the state tax commission.

§ 24. EXEMPTION.] All bequests and devises of property within this state when the same is for one of the following charitable purposes, namely, the relief of aged, indigent and poor, maintenance of sick or maimed or for the support or education of orphans or indigent children, shall be exempt from the payment of any tax under this law.

§ 25. REPEAL.] Chapter 10 of the Probate Code of the state of North Dakota, being Sections 8320, 8321, 8322, 8323, 8324, 8325, 8326, 8327, 8328, 8329, 8330, 8331, 8332, 8333, 8334, 8335, 8336, 8337, 8338 and 8339 of the Revised Codes of the state of North Dakota for the year 1905, and all Acts and parts of Acts of this state, relating to the taxation of inheritances, devises, legacies, bequests and gifts, so far as the same are inconsistent or in conflict with the provisions of this Act, are hereby repealed. *Provided*, however, that such repeal shall in no wise affect any suit, prosecution or court proceeding pending at the time this Act shall take effect, or any right which the state of North Dakota may have at the time of the taking effect of this Act, to claim a tax upon any property under any existing Act or Acts hereby repealed for which no proceedings have been commenced, and all appeals, rights of appeals in all suits pending or appeals from assessments of taxes made by appraisers' report, or orders fixing the tax or otherwise existing in this state at the time of taking effect of this Act.

§ 26. EMERGENCY.] Whereas, an emergency exists in the fact that the state of North Dakota has no adequate inheritance tax law, and that the operation of this Act will be required before July 1st, A. D. 1913; therefore, this Act shall take force and effect from and after its passage and approval.

Approved March 15, 1913.

INSANE, STATE ASYLUM FOR

CHAPTER 186.

[H. B. No. 248—Lambert.]

INSANE PATIENTS, COMMITMENT.

AN ACT to Amend Section 26 of Chapter 62, Laws of 1911, Relating to Board of Control, and Providing for the Commitment of Non-Resident Insane Patients to the State Hospital by County Board of Commissioners of Insanity.

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

§ 1. AMENDMENT.] That Section 26 of Chapter 62 of the Laws of 1911 of the State of North Dakota be amended and re-enacted to read as follows:

§ 26. INSANE PATIENTS, RESIDENCE UNKNOWN.] Whenever the county authorities shall send to a hospital for the insane a patient whose residence is in another state or foreign country, or whose residence is unknown, and whose maintenance is charged to the state, such county authorities shall notify the state board of control, which shall immediately inquire as to the residence of such person and the propriety of his retention in the state hospital. If the residence of said person is found to be in another state or foreign country, the board shall see that he is sent to his residence. No patient to be maintained at state expense shall be retained permanently at the state hospital without the formal order of the board of control.

Approved March 14, 1913.

CHAPTER 187.

[H. B. No. 145—Lambert.]

INSANE PERSONS.

AN ACT to Amend and Re-enact Section 15 of Chapter 137 of the Session Laws of 1907, Relating to the Payment of Costs of Treatment and Board of Patients in the Insane Hospital.

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

§ 1. AMENDMENT.] Section 15 of Chapter 137 of the Session Laws of 1907 is amended and re-enacted to read as follows:

§ 15. EXPENSES CHARGEABLE AGAINST THE ESTATE OF INSANE PERSONS.] The amount of expense incurred by any county in this state for treatment and maintenance of any insane person in the State Hospital for the Insane shall be charged against the estate of such insane person; *provided*, that the insane person has no heirs within the United States dependent upon said estate for support; and *provided*, further, that no real property shall be sold during the life of the insane person, except for the maintenance and support of the family of said insane person, when it is shown to be for the best interests of the state upon order of the proper court; and further provided that no personal property shall be sold under five years from the date of sending such insane person to the State Hospital for the Insane, unless by order of the proper court, where such property is liable to deteriorate in value during the time above specified, and when sold as above the county court shall order the proceeds thereof to be safely invested for the benefit of such insane person, or be used for the support and maintenance of the family of such insane person.

§ 2. EMERGENCY.] Whereas, an emergency exists this shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

INSURANCE

CHAPTER 188.

[S. B. No. 27—Ellingson.]

COUNTY MUTUAL INSURANCE COMPANIES.

AN ACT to Amend Section 4493 of the Revised Codes of North Dakota for 1905, Relating to County Mutual Insurance Companies.

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

§ 1. Section 4493 of the Revised Codes of North Dakota for 1905 is hereby amended to read as follows:

§ 4493. No company formed under the provisions of this article shall insure any property beyond the limits of the district comprised in the formation of the company, nor shall it insure any property other than detached dwellings and their contents, farm buildings and contents, school houses and school furniture therein, church buildings and furniture therein, live stock only on the premises or running at large, and hay or grain in stack or bin, or growing grain against damage by hail, nor shall they insure any property within the limits of any incorporated city or village in this state unless such property is detached and situated on land not surveyed or platted into lots.

Approved February 19, 1913.

CHAPTER 189.

[H. B. No. 424—Hanson.]

PROHIBITING NON-PARTICIPATING POLICIES.

AN ACT to Repeal Chapter 145 of the Laws of 1907.

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

§ 1. That Chapter 145 of the Laws of 1907, entitled, "An Act to Prohibit the Issuance of Non-Participating Policies by Certain Life Insurance Companies" be and the same is hereby repealed.

Approved March 11, 1913.

CHAPTER 190.

[S. B. No. 349—Garden.]

MUTUAL INSURANCE.

AN ACT to Amend Section 1 of Chapter 162 of the Session Laws of 1911,
Relating to County Mutual Companies.

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

§ 1. That Section 1 of Chapter 162 of the Session Laws of 1911 be amended to read as follows:

§ 4494. The directors of each company so formed shall be chosen by a vote at the annual election thereof, which shall be held on the last Friday in June of each year, and every member shall have one vote, but no person shall vote by proxy at such election. *Provided*, that to constitute a quorum for the transaction of business there must be at least twenty members present, including officers and directors; *provided*, that in any company organized under this Article, whose policies of insurance shall not run for a longer period than one year, all persons holding policies of insurance therein during the year immediately preceding the annual election, shall be considered as members of said company and shall be entitled to vote at such election.

§ 2. EMERGENCY.] An emergency is hereby declared to exist in this that there is now no provisions regarding a quorum, this act shall take effect immediately after its passage and approval.

Approved March 11, 1913.

CHAPTER 191.

[S. B. No. 267—McDowell.]

FRATERNAL BENEFIT SOCIETIES.

AN ACT for the Regulation and Control of Fraternal Benefit Societies.

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

§ 1. FRATERNAL BENEFIT SOCIETIES DEFINED.] Any corporation, society, order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provisions for the payment of death benefits in accordance with Section 5 hereof, is hereby declared to be a fraternal benefit society.

§ 2. LODGE SYSTEM DEFINED.] Any society having a supreme governing or legislative body, and subordinate lodges or branches by whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

§ 3. REPRESENTATIVE FORM OF GOVERNMENT DEFINED.] Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws; *provided*, that the elective members shall constitute a majority in number and have not less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws and *provided* further, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates shall be held as often as once in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

§ 4. EXEMPTIONS.] Except as herein provided, such societies shall be governed by this act, and shall be exempt from all provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose, and no law hereafter shall apply to them unless they be expressly designated therein.

§ 5. BENEFITS.] Sub-section 1. Every society transacting business under this act shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident, or old age; *provided*, the period of life at which the payment of benefits or disability on account of old age shall commence, shall not be under seventy years, and may provide for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all, or such portion of the face value of his certificate as the laws of the society may provide; *provided*, that nothing in this act contained shall be so construed as to prevent the issuing of benefit for a term of years less than the whole of life, which are payable upon the death or disability of the mem-

ber occurring within the term for which the benefit certificate may be issued. Such society shall, upon written application of the member, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding one-half of the periodical contribution, against the certificate with interest payable or compounded annually at a rate not lower than four per cent per annum; *provided* that this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contributions, and to contracts affected by such readjustment.

Sub-section 2. Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve not lower than the usual reserve computed by the American Experience Table and four per cent interest, may grant to its members extended and paid up protection, or such withdrawal equities as its constitution and laws may provide; *provided*, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

§ 6. BENEFICIARIES.] The payment of death benefits shall be confirmed (confined) to wife, husband, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, or to a person or persons dependent upon the member; *provided*, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the privilege with the consent of the society to make such institution his beneficiary. Within the above restrictions, each member shall have the right to designate his beneficiary, and from time to time have the same changed in accordance with the laws, rules and regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member; *provided*, that any society may, by its laws, limit the scope or beneficiaries within the above classes.

§ 7. QUALIFICATIONS OF MEMBERSHIP.] Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician, and whose examination has been supervised and approved in accordance with the laws of the society; *provided*, that any beneficiary member of such society who shall apply for a certificate providing for disability benefits, need not be re-

quired to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

§ 8. CERTIFICATE.] Every certificate issued by any such society shall specify the amount of benefit provided thereby, and shall provide that the certificate, the charter or articles of incorporation, or, if a voluntary association, the articles of association, the constitution and laws of the society and the applications for membership and medical examination, signed by the applicant, and all amendments to each thereof, shall constitute the agreement between the society and the member, and copies of the same certified by the secretary of the society, or corresponding officer, shall be received in evidence of the terms and conditions thereof, and any changes, additions or amendments to said charter or articles of incorporation, or articles of association, if a voluntary association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate shall bind the member and his beneficiaries and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

§ 9. FUNDS.] Sub-section 1. Any society may create, maintain, invest disburse and apply an emergency, surplus or other similar fund in accordance with its laws. Unless otherwise provided in the contract, such funds shall be held, invested and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in Sub-section 2 of Section 5 of this act. The funds from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed, shall be derived from periodical or other payments by the members of the society and accretions of said funds; *provided*, that no society domestic or foreign, shall hereafter be incorporated or admitted to transact business in this state which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternity Congress, August 23, 1899, or any higher standard with interest assumption not more than four per cent per annum, nor write or accept members for temporary or permanent disability benefits except upon tables based upon reliable experience, with an interest assumption not higher than four per cent per annum.

Sub-section 2. Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments of installments upon the rate of interest and mortality assumed by the society for valuation, and every society shall maintain a fund sufficient to meet such liabilities regardless of proposed future collections to meet any such liabilities.

§ 10. INVESTMENTS.] Every society shall invest its funds only in securities permitted by the laws of this state for the investment of the assets of life insurance companies; *provided*, that any foreign society permitted or seeking to do business in this state, which invests its funds in accordance with the laws of the state in which it is incorporated shall be held to meet the requirements of this Act for the investment of funds.

§ 11. DISTRIBUTION OF FUNDS.] Every provision of the laws of the society for the payment by members of such society, in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes, or the net accretions of either or any of said funds shall be used for expenses.

§ 12. ORGANIZATION.] Seven or more persons, citizens of the United States, and a majority of whom are citizens of this state, who desire to form a Fraternal Benefit Society, as defined by this Act, may make and sign (giving their addresses) and acknowledge before some officer competent to take acknowledgement of deeds, articles of incorporation, in which shall be stated:

1st. The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company already transacting business in this state as to mislead the public or to lead to confusion;

2nd. The purpose for which it is formed—which shall not include more liberal powers than are granted by this Act, provided that any lawful, social, intellectual, education, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the society—and the mode in which its corporate powers are to be exercised;

3rd. The names, residences, and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year, or until the ensuing election, at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of the issuance of the permanent certificate.

Such articles of incorporation and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed form of benefit certificates, applications therefor and circulars to be issued by such society, and a bond in the sum of five thousand dollars, with sureties approved by the commissioner of insurance, conditioned upon the return of the advance payments, as provided in this Section, to applicants, if the organization is not completed within one year, shall be filed with the commissioner of insurance, who may require such further information as he deems necessary, and if the purposes of the society conform to the requirements of this Act, and all provisions of law have been complied with the commissioners of insurance shall so certify and retain and record (or file) the articles of incorporation, and furnish the incorporators a preliminary certificate authorizing said society to solicit members as hereinafter provided.

Upon receipt of said certificate from the commissioner of insurance said society may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not less than one regular monthly payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. But no such society shall incur any liability other than for such advanced payments, nor issue any benefit certificate nor pay or allow, or offer or promise to pay or allow to any person any death or disability benefit until actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least one thousand dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society; nor until there shall be established ten subordinate lodges or branches, into which said five hundred applicants have been initiated; nor until there has been submitted to the commissioner of insurance, under oath of the president and secretary, or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions, which shall be sufficient to provide for meeting the mortuary obligation, contracted, when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress August 23, 1899,

or any higher standard at the option of the society, and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four per cent per annum; nor until it shall be shown to the commissioner of insurance by the sworn statement of the treasurer, or corresponding officer of such society that at least five hundred applicants have each paid in cash at least one regular monthly payment, as herein provided per one thousand dollars of indemnity to be affected, which payments in the aggregate shall amount to at least twenty-five hundred dollars; all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

Said advanced payments shall, during the period of organization, be held in trust, and, if the organization is not completed within one year, as hereinafter provided, returned to said applicants.

The commissioner of insurance may make such examination and require such further information as he deems advisable, and, upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to such society a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such society at the date of such certificate. The commissioner of insurance shall cause a record of such certificate to be made and certified copy of such record may be given in evidence with like effect as the original certificate.

No preliminary certificate granted under the provisions of this Section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the commissioner of insurance upon cause shown; unless the five hundred applicants herein required have been secured, and the organization has been completed, as herein provided, and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such society shall have completed its organization and commenced business as herein provided. When any domestic society shall have discontinued business for the period of one year, or has less than four hundred members, its charter shall become null and void.

Every such society shall have the power to make a constitution and by-laws for the government of the society, the admission of its members, the management of its affairs, and the fixing and readjusting of the rates of contribution

of its members from time to time; and it shall have the power to change, alter, add to, or amend such constitution and by-laws, and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

§ 13. POWERS RETAINED. RE-INCORPORATION. AMENDMENTS.] Any society now engaged in transacting business in this state may exercise, after the passage of this act, all of the rights conferred thereby, and all of the rights, powers and privileges not exercised or possessed by it under its charter or articles of incorporation not inconsistent with this Act, if incorporated; or if it be a voluntary association it may incorporate hereunder. But no society already organized shall be required to re-incorporate hereunder, and any such society may amend its articles of incorporation from time to time in the manner provided therein, or in its constitution and laws, and all such amendments shall be filed with the commissioner of insurance and shall become operative upon such filing unless a later time be provided in such amendments, or in its articles of incorporation, constitution or laws.

§ 14. MERGERS AND TRANSFERS.] No domestic societies shall merge with or accept the transfer of the membership or funds of any other society unless such merger or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of such merger or transfer, and filed with the commissioner of insurance of this state together with a sworn statement of the financial condition of each of said society by its president and secretary, or corresponding officers, and a certificate of such officers, duly verified under oath of said officers of each of the contracting societies that such merger or transfer has been approved by a vote two-thirds of the members of the supreme legislative or governing body of each of said societies. Upon the submission of said contract, financial statements and certificates, the commissioner of insurance shall examine the same, and if he shall find such financial statements to be correct and the said contract to be in conformity with the provisions of this Section, and that such merger or transfer is just and equitable to the members of each of said societies he shall approve said merger or transfer, issue his certificate to that effect, and thereupon the said contract of merger or transfer shall be of full force and effect.

In case such contract is not approved the facts of its submission and its contents shall not be disclosed by the commissioner of insurance.

§ 15. ANNUAL LICENSE.] Societies which are now authorized to transact business in this state may continue such

business until the first day of April next succeeding the passage of this Act, and the authority of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding April; *provided*, however, the license shall continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the commissioner of insurance.....dollars. A duly certified copy or duplicate of such license shall be prima facie evidence that the license is a fraternal benefit society within the meaning of this Act.

§ 16. ADMISSION OF FOREIGN SOCIETY.] No foreign society now transacting business, organized prior to the passage of this Act, which is not now authorized to transact business in this state, shall transact any business herein without a license from the commissioner of insurance. Any such society shall be entitled to a license to transact business within this state upon filing with the commissioner a duly certified copy of its charter or articles of association, a copy of its constitution and laws, certified by its secretary or corresponding officer; a power of attorney to the commissioner of insurance as hereinafter provided; a statement of its business under oath of its president and secretary, or corresponding officers, in the form required by the commissioner, duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the commissioner of insurance of this state; a certificate from the proper official in its home state, province, or country, that the society is legally organized; a copy of its contract, which must show that benefits are provided for by periodical, or other payments by persons holding similar contracts; and upon furnishing the commissioner such other information as he may deem necessary to a proper exhibit of its business and plan of working, and upon showing that its assets are invested in accordance with the laws of the state, territory, district, province or country where it is organized, he shall issue a license to such society to do business in this state until the first day of the succeeding April, and such license shall, upon compliance with the provisions of this Act, be renewed annually but in all cases to terminate on the first day of the succeeding April; *provided*, however, that license shall continue in full force and effect until the new license be issued or specifically refused. Any foreign society desiring admission to this state shall have the qualifications required of domestic societies organized under this Act and have its assets invested as required by the laws of the state, territory, district, country, or province where it is

organized. For each such license or renewal the society shall pay the commissioner.....dollars When the commissioner refused to license any society, or revokes its authority to do business in this state he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the society, upon request, and the action of the commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within the state; *provided*, however that nothing contained in this or the preceding Section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time such society was legally authorized to transact business herein.

§ 17. POWER OF ATTORNEY AND SERVICE OF PROCESS.] Every society, whether domestic or foreign, now transacting business in this state, shall, within thirty days after the passage of this Act, and every said society hereafter applying for admission shall, before being licensed, appoint in writing the commissioner of insurance and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society, and that the authority shall continue in force so long as any liability remains outstanding in this state.

Copies of such appointment, certified by said commissioner of insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service shall only be made upon such attorney, must be made in duplicate upon the commissioner of insurance, or, in his absence, upon the person in charge of his office, and shall be deemed sufficient service upon such society; *provided*, however, that no such service shall be valid or binding against any such society when it is required thereunder to file its answer, pleading or defense, in less than thirty days from the date of mailing the copy of such service to such society. When legal process against any such society is served upon said commissioner of insurance he shall forthwith forward by registered mail one of the duplicate copies prepaid and directed to its secretary or corresponding officer. Legal process shall not be served upon any such society except in the manner provided herein.

§ 18. PLACE OF MEETING, LOCATION OF OFFICE.] Any domestic society may provide that the meetings of its legislat-

ive or governing body may be held in any state, district, province or territory wherein such society has subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this state; but its principal office shall be located in this state.

§ 19. NO PERSONAL LIABILITY.] Officers and members of the supreme, grand, or any subordinate body of any such incorporated society shall not be individually liable for the payment of any disability or death benefit provided for in the laws and agreements of such society, but the same shall be payable only out of the funds of such society and in the manner provided by its laws.

§ 20. WAIVER OF THE PROVISIONS OF THE LAWS.] The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the society, and the same shall be binding on the society and each and every member thereof and on all beneficiaries of members.

§ 21. BENEFIT NOT ATTACHABLE.] No money or other benefit, charity, or relief or aid to be paid, provided or rendered by any such society shall be liable to attachment, garnishment, or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment.

§ 22. CONSTITUTION AND LAWS. AMENDMENT.] Every society transacting business under this Act shall file with the commissioner of insurance a duly certified copy of all amendments of or additions to its constitution and laws within ninety days after the enactment of the same. Printed copies of the constitution and laws as amended, changed or added to, certified by the secretary or corresponding officer of the society shall be prima facie evidence of the legal adoption thereof.

§ 23. ANNUAL REPORTS.] Every society transacting business in this state shall annually, on or before the first day of March, file with the commissioner of insurance, in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for the year ending on that date, and also shall furnish such other information as the commissioner of insurance may deem necessary to a proper exhibit of its business and plan of working. The commissioner may at other times require any further state-

ment he may deem necessary to be made relating to such society.

In addition to the annual report herein required each society shall annually report to the commissioner a valuation of its certificates in force on December 31st, last preceding; including those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses; *provided*, the first report of valuation shall be made as of December 31st, 1912. Such report of valuation shall show, as contingent liabilities, the present midyear value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and, as contingent assets, the present midyear value of the future net contributions provided in the constitution and laws as the same are in practice actually collected. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the means of the terminal values for the end of the preceding and of the current insurance years.

Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the commissioner of insurance within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August 23, 1899, or, at the option of the society, any higher table; or at its option it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with interest assumption not more than four per cent per annum. Each such valuation report shall set forth clearly and fully the mortality and interest bases and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society; *provided*, that where a combined contribution table is used by a society for both death and permanent total disability benefits the valuation shall be according to tables of reliable experience, and in such case a separation of the funds shall not be required.

The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society,

but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities.

Beginning with the year 1914 a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June 1st of each year; or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full, and to provide for the creation and maintenance of the funds required by its laws, additional, increased, or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

§ 23a. PROVISIONS TO INSURE FUTURE SECURITY.] If the valuation of the certificates, as hereinbefore provided, on December 31, 1917, shall show that the present value of future net contributions, together with the admitted assets, is less than the present value of the promised benefits and accrued liabilities such society shall thereafter maintain said financial condition at each succeeding triennial valuation in respect of the degree of deficiency, as shown in the valuation as of December 31, 1917. If at any succeeding triennial valuation such society does not show at least the same condition the commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has failed to maintain the condition required herein the commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provisions of Section 24 of this act, or in the case of a foreign society, its license may be cancelled in the manner provided in this Act.

Any such society, shown by any triennial valuation, subsequent to December 31, 1917, not to have maintained the condition herein required, shall within two years thereafter make such improvement as to show a per centage of deficiency not greater than as of December 31, 1917, or

thereafter, as to all new members admitted, be subject, so far as stated rates of contributions are concerned, to the provisions of Section 12 of this Act, applicable in the organization of new societies; provided, that the net mortality or beneficial contributions and funds of such new members shall be kept separate and apart from the other funds of the society. If such required improvement is not shown by the succeeding triennial valuation then the said new members may be placed in a separate class, and their certificates valued as an independent society in respect of contributions and funds.

§ 23b. In lieu of the requirements of Section 23 and 23a any society accepting in its laws the provisions of this Section may value its certificates on a basis herein designated "accumulation basis" by crediting each member with the net amount contributed for each year with interest at approximately the net rate earned and by charging him with his share of the losses for each year, herein designated "cost of insurance," and carrying the balance, if any, to his credit. The charge for the cost of insurance may be according to the actual experience of the society applied to a table of mortality recognized by the law of this state, and shall take into consideration the amount at risk during each year, which shall be the amount payable at death less the credit to the member. Except as specifically provided in its articles or laws or contracts no charge shall be carried forward from the first valuation hereunder against any member for any past share of losses exceeding the contributions and credit. If, after the first valuation, any member's share of losses for any year exceeds his credit including the contribution for the year the contribution shall be increased to cover his share of the losses. Any such excess share of losses chargeable to any member may be paid out of a fund or contributions especially created or required for such purpose.

Any member may transfer to any place adopted by the society with net rates on which tabular reserves are maintained and on such transfer shall be entitled to make such application of his credit as provided in the laws of the society.

Certificate issued, rerated or readjusted on a basis providing for adequate rate with adequate reserves to mature such certificates upon assumption for mortality and interest recognized by the law of this state shall be valued on such basis, herein designated the "Tabular Basis"; *provided*, that if on the first valuation under this Section a deficiency in reserve shall be shown for any such certificate the same shall be valued on the accumulation basis.

Whenever in any society having members upon the tabular basis and upon the accumulation basis the total of all costs of insurance provided for any year shall be insufficient to meet the actual death and disability losses for the year the deficiency shall be met for the year from the available funds after setting aside all credits in the reserve; or from increased contributions, or by an increase in the number of assessments applied to the society as a whole, or to classes of members as may be specified in its laws. Savings from a lower amount of death losses may be returned in like manner as may be specified in its laws.

If the laws of the society so provide the assets representing the reserves of any separate class of members may be carried separately for such class as if an independent society, and the required reserve accumulation of such class so set apart shall not thereafter be mingled with the assets of other classes of the society.

A table showing the credits to individual members for each age and year of entry and showing opposite each credit the tabular reserve required on the whole life or other plan of insurance specified in the contract, according to assumptions for mortality and interest recognized by the law of this state and adopted by the society, shall be filed by the society with each annual report, and also be furnished to each member before July 1st of each year.

In lieu of the aforesaid statement there may be furnished to each member within the same time a statement giving the credit for such member, and giving the tabular reserve and level rate required for a transfer carrying out the plan of insurance specified in the contract. No table or statement need be made or furnished where the reserves are maintained on the tabular basis.

For this purpose individual bookkeeping accounts for each member shall not be required, and all calculations may be made by actuarial methods.

Nothing herein contained shall prevent the maintenance of such surplus over and above the credits on the accumulation basis and the reserves on the tabular basis pursuant to its law; nor be construed as giving to the individual member any right or claim to any such reserve or credit other than in manner as expressed in the contract and its laws; nor as making any such reserve or credits a liability in determining the legal solvency of the society.

§ 24. EXAMINATION OF DOMESTIC SOCIETIES.] The commissioner of insurance, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society. He may employ assistants for the purpose of such examination, and, he, or

any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society, and may summon and qualify as witness under oath and examine its officers, agents and employees, or other persons in relation to the affairs, transactions and condition of the society. The expense of such examination shall be paid by the society examined upon statement furnished by the commissioner of insurance, and the examination shall be made at least once in three years.

Whenever, after examination, the commissioner of insurance is satisfied that any domestic society has failed to comply with any provisions of this Act, or is exceeding its powers, or is not carrying out its contracts in good faith, or is transacting business fraudulently; or whenever any domestic society, after the existence of one year or more, shall have a membership of less than 400 (or shall determine to discontinue business) the commissioner of insurance may present the facts relating thereto to the attorney general, who shall, if he deem the circumstances warrant, commence an action in quo warranto in a court of competent jurisdiction, and such court shall thereupon notify the officers of such society of a hearing, and if it shall then appear that such society should be closed, said society shall be enjoined from carrying on any further business and some person shall be appointed receiver of such society, and shall proceed at once to take possession of the books, papers, moneys, and other assets of the society, and shall forthwith, under the direction of the court, proceed to close the affairs of the society and to distribute its funds to those entitled thereto.

No such proceedings shall be commenced by the attorney general against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced.

§ 25. APPLICATION FOR RECEIVER, ETC.] No application for injunction against or proceedings for the dissolution of or the appointment of a receiver for any such domestic society or branch thereof shall be entertained by any court in this state unless the same is made by the attorney general.

§ 26. EXAMINATION OF FOREIGN SOCIETIES.] The commissioner of insurance, or any person whom he may appoint, may examine any foreign society transacting or applying for admission to transact business in this state. The said commissioner may employ assistants, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the

society, and may summon and qualify as witness under oath and examine its officers, agents and employees and other persons in relation to the affairs, transactions and conditions of the society. He may, in his discretion, accept in lieu of such examination the examination of the insurance department of the state, territory, district, province or country where such society is organized. The actual expenses of examiners making any such examination shall be paid by the society upon statement furnished by the commissioner of insurance.

If any such society, or its officers, refuse to submit to such examination, or to comply with the provisions of the Section relative thereto, the authority of such society to write new business in this state shall be suspended or license refused until satisfactory evidence is furnished the commissioner relating to the condition and affairs of the society, and during such suspension the society shall not write new business in this state.

§ 27. NO ADVERSE PUBLICATIONS.] Pending, during or after an examination or investigation of any such society, either domestic or foreign, the commissioner of insurance shall make public no financial statement, report, or finding, nor shall he permit to become public any financial statement, report or finding affecting the status standing or rights of any such society until a copy thereof shall have been served upon such society at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding, and to make such showing in connection therewith as it may desire.

§ 28. REVOCATION OF LICENSE.] When the commissioner of insurance, on investigation, is satisfied that any foreign society transacting business under this Act has exceeded its powers, or has failed to comply with any provisions of this Act, or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall notify the society of his findings, and state in writing the grounds of his dissatisfaction, and after reasonable notice require said society, on a date named, to show cause why its license should not be revoked. If on the date named in said notice such objections have not been removed to the satisfaction of the said commissioner of insurance, or the society does not present good and sufficient reasons why its authority to transact business in this state should not at that time be revoked, he may revoke the authority of the society to continue business in this state. All decisions and findings of the commissioner made under the provisions of this Section may be reviewed by the proper proceedings in any

court of competent jurisdiction, as provided in Section 16 of this Act.

§ 29. EXEMPTION OF CERTAIN SOCIETIES.] Nothing contained in this Act shall be construed to effect or apply to grand or subordinate lodges of Masons, Odd Fellows or Knights of Pythias (Exclusive of the Insurance Department of the Supreme Lodge Knights of Pythias), and the Junior Order of the United American Mechanics (exclusive of the Beneficiary Degree of Insurance branch of the National Council Junior Order United American Mechanics), or societies which limit their membership to any one hazardous occupation, nor to similar societies which do not issue insurance certificates, nor to an association of local lodges of a society now doing business in this state, which provides death benefits not exceeding five hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, nor to any contracts of reinsurance business on such plan in this state, nor to domestic societies which limit their membership to the employees of a particular city or town, designated firm, business house, or corporation, nor to domestic lodges, orders, or association of a purely religious, charitable and benevolent description, which do not provide for a death benefit of more than one hundred dollars, or for disability benefits of more than one hundred and fifty dollars to any one person in any one year. The commissioner of insurance may require from any such society such information as will enable him to determine whether such society is exempt from the provisions of this Act.

Any fraternal benefit society, heretofore organized and incorporated and operating within the definition set forth in Sections 1, 2 and 3 of this Act, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this Act, and shall have all the privileges and shall be subject to all the provisions and regulations of this act, except that the provisions of this Act requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits, shall not apply to such society.

§ 30. TAXATION.] Every fraternal benefit society organized or licensed under this Act is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal, and school tax, other than taxes on real estate and office equipment.

§ 31. PENALTIES.] Any person, officer, member or examining physician of any society authorized to do business

under this Act shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this state, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

Any person who shall solicit membership for, or in any manner assist in procuring membership in any fraternal benefit society not licensed to do business in this state, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized, as herein provided, to do business, as herein defined in this state, shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by a fine of not less than fifty or more than two hundred dollars.

Any society, or any officer, agent or employee thereof neglecting or refusing to comply with, or violating any of the provisions of this Act, the penalty for which neglect, refusal or violation is not specified in this Section, shall be fined not exceeding two hundred dollars upon conviction thereof.

§ 32. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 12, 1913.

CHAPTER 192.

[S. B. No. 214—Plain.]

HAIL INSURANCE.

AN ACT to Amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, of Chapter 23 of the Session Laws of 1911, and to Repeal Sections 14, 15 and 16 of said Chapter, Establishing a Hail Insurance Department and Making the Commissioner of Insurance Ex-Officio Commissioner of Hail Insurance; Prescribing Rules, Regulations and Duties of Officers and Persons Connected Therewith; Prescribing How Premiums, Expense and Indemnity for Losses by Hail Shall Be Paid, and Providing a Penalty.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 1. HAIL INSURANCE DEPARTMENT. DUTIES.] A hail insurance department of the State of North Dakota is hereby established and the Commissioner of Insurance shall also be the Commissioner of Hail Insurance, and the management of said hail insurance department shall be under his supervision. He shall have the authority to appoint and engage one deputy by the month for steady service and one clerk from March 15 to November 15th of each year, and such additional deputies and clerks as he may find necessary to properly conduct the business, and a salary of such deputies and clerks shall be allowed, not to exceed one hundred dollars per month for each deputy and eighty dollars per month for each clerk, to be paid out of the hail insurance fund. He shall also prepare and provide the necessary blanks, books, stationery and postage, and cause the same to be delivered to the proper officers and persons. The hail insurance department shall insure growing grain in any county in the state against loss by hail upon the terms and in the maner hereinafter set forth, and shall draw up and furnish form of hail insurance policy; *provided*, that the appointment and employment of all additional deputies and clerks shall have the approval of the state auditing board, and all expenses and salaries audited and allowed by it.

§ 2. AMENDMENT.] That Section 2 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 2. ASSESSOR'S DUTIES.] It shall be and is hereby made the duty of each and every county, township, city and village assessor in the state, each within his respective district, at the time of listing the property for assessment, or thereafter, to inquire of the party assessed how many acres

of crop, if any, such party desires to have insured in said state hail insurance department for the year in which said assessment is made, and at the same time inform said party that as a premium for said hail insurance a payment of thirty (30) cents per acre for each and every acre so insured must be made; and if the party assessed is willing and consents to have all or part of his crops insured, it shall be the duty of said assessor to take said application for such hail insurance on blanks furnished him for that purpose by the county auditor, the form of which must have been approved by the Commissioner of Hail Insurance, and carefully describe each piece of land that he so insures, describing particularly the section or quarter section or any subdivision thereof, and the township and county wherein the same is situated; also stating separately the number of acres of wheat, oats, barley, flax, corn, rye or other grain that said party so insures, and collect thirty (30) cents for each acre so insured, or in such proportion as said party's interest may appear, and in addition the assessor may collect as an application fee a sum equivalent to one-half ($\frac{1}{2}$) cent per acre for each and every acre insured. And the assessor shall forward the application promptly, together with the premiums so collected, to the county auditor.

§ 3. AMENDMENT.] That Section 3 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 3. COUNTY AUDITOR'S DUTIES.] Each county auditor in the state shall file and keep the insurance applications returned to him by the several assessors, and turn all moneys collected for each month for the insurance over to the county treasurer the first of each succeeding month, taking his receipt therefor, and any party who fails to insure his crop with the assessor, as above described, may at any time up to and including the twenty-first day of August, apply to the county auditor of the county where the land is situated to have his crop insured, as provided in this act, by filling out and filing with the county auditor an application, as prescribed in Section 2 hereof, and upon the payment of the premium prescribed herein to said county auditor for such insurance, which premium shall be turned over to the county treasurer as above provided.

It is further provided that said insurance shall be in force and effect from the time of filing the application in the office of the county auditor, and until the grain is cut but in no case later than September 15th of each year. He shall also keep a record of the time of filing such application. The county auditor shall immediately issue and mail to each applicant his policy upon the filing of said application

§ 4. AMENDMENT.] That Section 4 of Chapter 23 of the Session Laws of 1911, be amended to read as follows:

§ 4. DUPLICATES AND ABSTRACTS.] On the first day of June, July and August, each and every county auditor within the state shall make out a list of all hail insurance applications filed in his office and forward the same at once to the department of hail insurance at Bismarck, and on or before the first day of September in each year, each and every auditor within the state shall make out in duplicate a list of all the hail insurance applications filed in his office, keeping one copy for his records, and forwarding the other copy to the department of hail insurance at Bismarck, North Dakota.

§ 5. AMENDMENT. That Section 5 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 5. DUTY OF THE COUNTY TREASURER.] The county treasurer of each and every county in the state shall issue his receipt to the auditor for such premiums turned over to him and shall keep a separate account of all moneys collected from such hail insurance premiums, and he shall pay the same over to the State Treasurer, taking his receipt therefor, not less than ten per cent at the end of each month, and the balance not later than September 1st of each year.

§ 6. AMENDMENT.] That Section 6 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 6. ADJUSTORS.] The county commissioners of each county shall at the April meeting of the Board appoint one competent person who shall be a resident of the county to act as official adjustor of losses or damages caused by hail to any crop that has been insured under the provisions of this chapter. If the county commissioners fail or neglect to appoint an official adjustor as herein required, the commissioner of hail insurance shall appoint an official adjustor for such county and such official adjustor shall have all the powers and perform all the duties imposed upon official adjustors appointed by the county commissioners, according to the provisions of this chapter. The county auditor shall immediately, after such appointment, notify the commissioner of hail insurance of the same, and no such appointment shall be effective unless confirmed and approved by the said commissioner of hail insurance. The commissioner of hail insurance shall have power and authority to remove or discharge any such official adjustor for misconduct, incompetency or neglect of duty, and such commissioner may in his discretion direct such official adjustor to adjust losses or damages caused by hail to any crop insured under the provisions of this act in any county or

counties in this state, adjacent to the county in which he was appointed. The official adjuster shall receive as compensation for his services, the sum of five dollars per day and his actual and necessary expenses while engaged in the actual and necessary performance of his duty. The official adjuster shall adjust losses or damages caused by hail to any crop that has been insured under the provisions of this act. And it is hereby made his duty to adjust all losses and damages within his county, or within any other county in the state when so directed by the commissioner of hail insurance. When any party that is insured as herein provided has sustained a loss by hail, he shall promptly thereafter notify the commissioner of insurance of such loss. The commissioner of insurance shall, as soon as possible after receiving the notice of loss direct an official adjuster to visit the place of loss and proceed to estimate and adjust such loss. In so doing, it shall be his duty to carefully inquire into the condition of the crop before the loss occurred, as to whether it was poor, medium or good, and if he deems it necessary, he shall have the power to call witnesses to testify as to the conditions of the crop before the same was damaged or destroyed, and he shall make his estimate and adjustment after ascertaining the condition of the crop before and after the loss occurred. In estimating the loss the official adjuster shall allow as damages the proportion which the crop as damaged bears to the crop if no loss had occurred. If the total value of the crop insured be less than eighty dollars per acre, then in case of total loss the insured shall receive the total value thereof; and if the loss be partial then the insured shall receive that percentage of value which the loss bears to the total value of the crop insured. If the value of the crop be more than eight dollars per acre, the insured shall receive that percentage of the maximum of eight dollars which the loss bears to the total value of the crop. *Provided* however, that in no case shall more than eight dollars per acre be allowed as the maximum for wheat, flax, oats, barley, corn, rye and other grains.

§ 7. AMENDMENT.] That Section 7 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 7. IN CASE NO AGREEMENT.] In case the party that has sustained the loss is dissatisfied with and refuses to accept the adjustment made by the official adjuster then he shall have the right to appoint one disinterested person as adjuster and the official adjuster shall appoint another person as adjuster, and the two shall elect a third disinterested person, and the three shall then proceed to adjust the loss in the same manner as specified in Section 6, and the judg-

ment of the majority shall be the judgment of said adjusters and shall be binding upon both parties as the final determination of said loss; provided, however, that if the insured does not recover a greater sum than allowed by the official in the first instance, he shall pay the expenses of the said three adjusters and their witnesses in making said adjustment, but if he receives a larger sum, then the same shall be paid by the commissioner of hail insurance out of the hail insurance fund.

§ 8. AMENDMENT.] That Section 8 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 8. REPORT OF ADJUSTERS.] At the final adjustment of each loss the adjuster shall then and there carefully fill out and make a report in triplicate on an adjustment blank prepared for him for that purpose stating the county, township and range, the number of the section and the quarter of the section or subdivision thereof, on which the crop was damaged or destroyed, also the number of acres and different kinds of grains estimated damaged or destroyed, and the amount allowed for each separately, and that such estimate is true and not in excess of the actual loss sustained, which said adjustment papers must be signed and sworn to by the official adjuster or all the adjusters when arbitration is resorted to, acting as adjuster, and the party whose loss has been adjusted, with the residence and post office address of both. The official adjuster shall, within a reasonable time, not to exceed five days, forward by registered mail said adjustment papers, the original to the commissioner of hail insurance at Bismarck, North Dakota, one copy to the county auditor and one copy to the insured.

§ 9. AMENDMENT.] That Section 9 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 9. COMPENSATION OF ADJUSTERS, ITEMIZED STATEMENT.] The official adjuster shall receive as compensation for his services the amount specified in Section 6 of this chapter. All persons called on to assist in adjusting a hail loss, whether acting as adjusters or as witnesses shall receive the sum of two dollars per day for all services so rendered. The official adjuster shall itemize said expense account for each loss or adjustment made, which account must be sworn to and forwarded to the commissioner of hail insurance, and the same shall upon being approved by the hail insurance commissioner be paid out of the state hail insurance fund, on warrants drawn by the state auditor. *Provided*, however, that such adjuster or adjusters shall not be entitled to receive or be paid any compensation or expenses, as herein provided, unless all adjustments by him made shall be reported to the commissioner of hail insurance, as re-

quired in this act, within ten days from the time such adjustment or adjustments were made.

§ 10. AMENDMENT.] That Section 10 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 10. DUTIES OF STATE TREASURER.] The state treasurer shall keep all moneys paid by the several county treasurers from the collections of hail insurance in a separate fund to be designated and known as the hail insurance fund, and the treasurer shall pay out of said fund only upon warrants of the state auditor.

§ 11. AMENDMENT. That Section 11 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 11. DUTIES OF COMMISSIONER OF HAIL INSURANCE.] When the several county auditors of this state shall have made complete returns showing the number of acres insured for that year the commissioner of hail insurance shall sum up the total hail insurance fund for that year when he shall have received a complete return from all of the hail losses in the state as adjusted and allowed, he shall sum up the total of such amounts for that year. He shall sum up the expenses of his office as follows:

First: The total amount allowed for adjusting losses.

Second: The total amount estimated necessary for deputies and clerk hire in the hail insurance department for said year.

Third: The amount estimated necessary for books, blanks, stationery, postage and other expenses incident to the running and operating of the said hail insurance department, for one year, the total sum of such expense account shall first be deducted from the total amount of the hail insurance receipts for that year and paid, and if the balance remaining is sufficient, all hail losses shall be paid in full as allowed by the adjusters, but if the expenses and hail losses shall exceed the amount of hail insurance receipts for that year, the expenses shall be paid first and the losses shall be paid pro rata. However, should there in any one year after all expenses and losses have been paid, still be a surplus, then such surplus remain in the state treasury in the hail insurance fund to be drawn upon in such future years as there might be a deficiency.

§ 12. PENALTY.] Any county auditor in this state who shall fail or neglect to make complete returns, statements and reports as required in this act to the commissioner of hail insurance at the times specified in any section of this chapter, shall forfeit the sum of ten dollars per day for each day during which he neglects to make such statements, returns or reports to the commissioner of hail insurance, and upon complaint or notice by the said commis-

sioner to the attorney general of the state, it shall be the duty of the attorney general to proceed to collect the amount of such penalty from any delinquent auditor.

§ 13. AMENDMENT.] That Section 12 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 12. PAYMENT OF LOSSES.] When the commissioner of hail insurance has figured up the whole year's business, as indicated in section eleven hereof, he shall prepare and furnish to the state auditor a certified list of the losses arranged by counties, showing the names and addresses of persons who have suffered loss by hail and are entitled to compensation for such losses under the provisions of this act, the appraised losses and the amount to be paid each such person; upon receipt of this list from the commissioner of hail insurance it shall be the duty of the state auditor immediately to draw warrants for said amounts upon the state treasurer, the amounts of which shall be charged to the state hail insurance fund, in favor of each person entitled thereto and to mail such warrants forthwith to each person entitled thereto, as shown by the certified list of the state hail insurance commissioner aforesaid. It shall also be the duty of the state hail insurance commissioner to mail a copy of each such list of losses and amounts allowed to each and every person named in such list and who has suffered loss by hail during the year for which such list is made.

§ 14. AMENDMENT.] That Section 13 of Chapter 23 of the Session Laws of 1911 be amended to read as follows:

§ 13. REPORT PUBLISHED IN NEWSPAPERS.] The commissioner of hail insurance shall on or about the first day of December in each year issue and publish in four newspapers of general circulation within the state a concise statement of the work and condition of the hail insurance department during the preceding year. He shall also make a biennial report to the legislature.

§ 15. TRANSFER OF RECORDS.] It shall be the duty of the commissioner of agriculture and labor, acting as commissioner of hail insurance under the provisions of Chapter 23 of the Session Laws of 1911 immediately upon the passage and approval of this act to deliver to the commissioner of hail insurance, as constituted by the provisions of this act, all papers, reports, documents, records, funds and accounts of every description which are in his possession or under his control as such commissioner of hail insurance by reason of the duties imposed upon him by Chapter 23 of the Session Laws of 1911; and the commissioner of hail insurance, as constituted by the provisions of this act, shall receive and have custody of all such records, papers, reports, documents, funds and accounts.

§ 16. REPEAL.] Sections 14, 15 and 16 of Chapter 23 of the Session Laws of 1911 is hereby repealed.

§ 17. EMERGENCY.] Whereas, it is deemed advisable that this act take effect in time for insurance on crop of 1913, therefore an emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1913.

CHAPTER 193.

[S. B. No. 105—McBride.]

RESPONSIBILITY OF FIDELITY INSURANCE COMPANIES.

AN ACT Relating to the Responsibility of Fidelity Insurance Companies.
Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any corporation organized under the laws of this state, or of any state or country, to transact the business of fidelity insurance and corporate suretyship, and authorized to do business in this state, which makes contracts of insurance guaranteeing the fidelity of persons holding positions of trust in public office, shall be held responsible to any person for any loss or damage which he may suffer by reason of any fraud or misrepresentation practiced upon him by such public official under the guise of or by virtue of his office.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1913.

CHAPTER 194.

[S. B. No. 156—Ellingson.]

ESTABLISHING STATE BONDING DEPARTMENT.

AN ACT Establishing a State Bonding Department in the Office of the Commissioner of Insurance, Providing for the Maintenance Thereof, and Creating a Reserve Therefor; Prescribing the Duties of Officers Connected Therewith; providing for the payment of Premiums and of Indemnities for Losses, and Providing for the Disposal of the Surplus after said Reserve Has Been Created.

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

§ 1. ESTABLISHING A STATE BONDING DEPARTMENT.] A bonding department of the state of North Dakota is hereby established under the management and supervision of the Commissioner of Insurance.

§ 2. DEPUTY AND CLERKS. DUTIES.] The Commissioner of Insurance shall have the authority to appoint a deputy and engage such clerks as he may find necessary to properly conduct the business of the state bonding department of his office, at a salary of not to exceed two hundred dollars per month for such deputy and seventy-five dollars per month for each clerk, to be paid out of the bonding department fund hereinafter provided for. The appointment of such deputy and clerks shall have the approval of the state auditing board. The Commissioner of Insurance shall prepare and provide the necessary blanks, books, stationery and postage, and cause the same to be delivered to the proper officers and persons. All expenses and salaries shall be audited and allowed by the state auditing board.

§ 3. Said bonding department shall bond counties, cities, towns, townships and school districts in any county in the state against loss by default of any officer, upon the terms and in the manner hereinafter set forth, and the Commissioner of Insurance shall draw up, with the assistance of the Attorney General, a standard form of surety bond, and only such form shall be used.

§ 4. WHAT OFFICERS TO FURNISH STATE BONDS.] [Each county official (except justice of the peace and constable), every assessor required by law to furnish a bond, every city treasurer, every town treasurer, every school district treasurer and every township treasurer hereafter elected or appointed to an office required to furnish a bond by law, shall be bonded in and with the state bonding department; *provided*, however, that the state shall not bond any official for a greater amount than fifty thousand dol-

lars, and any official required to be bonded in a greater sum than fifty thousand dollars shall bond in the amount in excess of fifty thousand dollars with a responsible surety company, or in any manner satisfactory to the proper authorities. *Provided*, further, that it shall be optional with any township or school district treasurer to be bonded in and with the state bonding department. The premiums for such bonds shall be paid out of the county, city, town, school district or township treasury, as the case may be, by the proper authorities.

§ 5. PREMIUMS, TO WHOM PAID.] The premiums on such bonds shall be twenty-five cents per hundred dollars of bond per year on all bonds issued. Such premiums shall be paid in advance by the proper authorities of each county, city, town, school district and township from its respective treasury, as provided by law, to the State Treasurer, who shall issue receipts therefor, as hereinafter provided. The minimum premium on small and short term officers' bonds shall not be less than two dollars and fifty cents.

§ 6. BONDING FUND.] Whenever there is paid into the state treasury any money for premiums for bonding officials as prescribed in Section five of this act, it shall be known as the state bonding department fund, and shall be used as provided in this act.

§ 7. STATE TREASURER, DUTIES OF.] It shall be the duty of the State Treasurer whenever there is any money paid into the state treasury for premiums on bonds, to at once issue quadruple receipts therefor; one he shall send to the county, city, town, school district or township paying the same; one he shall file with the State Auditor; one he shall retain in his office, and one he shall file with the Commissioner of Insurance. Such receipts must state the amount and date of bond, name of the official bonded, his official duty, postoffice address, and the county he resides in.

§ 8. PERIOD OF BONDS.] All bonds executed and furnished by the state bonding department shall be made to run until the expiration of the officer's term of office, and where such term is less than one year, a full year's premium shall be charged.

§ 9. GENERAL DUTIES.] It shall be the duty of the Commissioner of Insurance to estimate at the beginning of each year the amount required for salaries and expenses of the bonding department for the current year, which estimated amount shall be reserved from the premiums paid in, and the amount of premium receipts remaining shall be available for payment of losses. Losses shall be

paid promptly and as soon as the amount shall be determined by the Commissioner of Insurance, and a report thereof made as provided for in this act. Any sum which remains unexpended at the end of any year shall remain in the state bonding fund, which fund shall be permitted to accumulate until it equals in amount \$100,000, after which the surplus in excess of \$100,000 shall be distributed to the various counties, municipalities and townships, in proportion to the amount of premiums paid into the state bonding fund by the same; *provided*, that in case there should not be sufficient funds to meet the losses sustained after the reservation of expenses for the conduct of the department for the year, such losses shall be paid as funds are accumulated in the state bonding fund by the collection of premiums.

§ 10. REPORT, TO MAKE.] The Commissioner of Insurance shall, on or about the first day of January in each year, issue and publish in four newspapers of general circulation within the state, a concise statement of the work and condition of the bonding department during the preceding year, and said Commissioner of Insurance shall also make a biennial report to the Governor and legislative assembly, containing a detailed statement of the work and condition of said bonding department for the biennial period.

§ 11. OTHER DUTIES.] The Commissioner of Insurance shall require and obtain from the various officials bonded statements annually, and as often as deemed necessary, of their receipts, bank accounts and disbursements, verified by the city auditor or county auditor, or clerk of the town, township or school district; and to verify such statements he shall communicate with each bank having such deposits, and he may also require such public official to furnish him with any information concerning the office with which such official is entrusted, and he shall file all such information in his office in a proper manner, and such records shall at all times be open for inspection to the proper authorities. The Commissioner of Insurance shall supply each county and city auditor, township and school district clerk, with a sufficient number of application blanks, and it shall be the duty of such auditors and clerks to furnish the officials required to be bonded with said application blanks. On the reverse of each blank there shall be printed Sections 4, 5 and 7 of this act. All applications for bonds under the provisions of this act shall be made on said blanks. If in the opinion of the Commissioner of Insurance it is advisable for the safety of the state to reject an application for a bond, or cancel the bond

of any official bonded, he shall submit such application, also the person's name whose bond he proposes to cancel, to the state auditing board, together with his reasons for rejecting or cancelling the same, and if the auditing board rejects such application or cancels any bond, such official may bond in any manner satisfactory to the proper authorities of the city, village, school district, township or county, as the case may be. *Provided*, however, that when an application is rejected by the board, he shall notify such person by registered mail, and before a bond is cancelled he shall also notify such person by registered mail, demanding from him a receipt thereof, and upon the return of such receipt the board shall cancel such bond six days thereafter. When any default is reported, it shall be the duty of the Commissioner of Insurance to carefully-inquire into and investigate the same before the indemnity is paid thereon. Should any official default, then it shall be the duty of the State Examiner to examine and check the accounts of such defaulting official and file his report with the Commissioner of Insurance, stating amount due upon said defaulting officer's bond, and for such services he shall be paid out of the state bonding fund.

§ 12. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 13. SHALL BE IN EFFECT JANUARY 1, 1914.] This act shall go into effect on January 1st, 1914.

Approved March 1, 1913.

JUSTICE COURT

CHAPTER 195.

[S. B. No. 82—Vail.]

SERVICE OF SUMMONS, JUSTICE COURT.

AN ACT to Amend Section 8363 of the Revised Codes of 1905 of the Laws of North Dakota, Relating to the Service of Summons Out of Justice Court, and Who is Authorized to Make Service of Such Summons, and Fees to be Paid Therefor; Also to Amend Section 2887 of the Revised Codes of 1905 of North Dakota, Relating to the Powers of Village Marshals in the Service of Summons.

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

Section 8363 of the Revised Codes of 1905 of the Laws of North Dakota is hereby amended to read as follows:

§ 8363. The summons may be served any place within the county, by a sheriff, chief of police, policeman, town marshal, village marshal, or constable, or any other person not a party to the action, and must be served and returned with proof of service, in the manner prescribed for personal service of summons by the code of civil procedure, unless service is made by publication, as provided in the code. And such officials as are hereinbefore named in this section are entitled to receive the same fees and mileage as are allowed by law to sheriffs for such service, and may be charged as costs in the action.

Section 2887 of the Revised Codes of 1905 of North Dakota is hereby amended to read as follows:

§ 2887. The marshal of such village shall be a peace officer and shall possess the powers and be subject to the liabilities possessed and conferred by law upon sheriffs in executing the orders of the trustees or enforcing the by-laws and ordinances of said village, and shall have the same general powers to serve civil process as is now possessed by constables of the county.

EMERGENCY.] Whereas, an emergency exists in that there is no law providing for the service of summons issued out of justice court by chiefs of police, police officers, town marshals or village marshals, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1913.

CHAPTER 196.

[S. B. No. 90—Wartner.]

GARNISHMENT PROCEEDINGS, JUSTICE COURT.

AN ACT to Amend and Re-enact Section 8405 of the Revised Codes of 1905, as Amended by Chapter 131 of the Session Laws of 1909, Relating to Garnishment Proceedings in Justice Courts.

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

AMENDMENT.] Chapter 131 of the Laws of 1909 of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 8405. WHEN COURT MAY RENDER JUDGMENT.] If any garnishee having been duly summoned, unless he shall have demanded his witness fees and the same shall not have been tendered, shall fail to appear and answer or to file his affidavit as required by the garnishee summons, the court may render judgment against him as provided in Section 6977; *provided*, however, that a plaintiff electing to take issue upon the affidavit of the garnishee must at the time fixed for appearance and answer, file with the justice a written notice to that effect, whereupon said justice shall, unless the parties to said issue agree to at once go to trial thereon, adjourn said garnishee action for not less than three nor more than ten days, and issue a notice to said garnishee of the time and place to which said action is adjourned, and that said issue will then and there be tried, which said notice shall be served upon said garnishee in the same manner as required for service of summons in justice court, at which adjourned time proceedings may be as provided in Section 6979. If a defendant desire to defend the garnishment proceedings upon the ground that the indebtedness or property involved is exempt from execution, or any other ground contemplated in Section 6981, such defense may be interposed at the time fixed for the garnishee's appearance; *provided*, that if said defense is on the ground that such property or indebtedness is exempt from execution, said defendant shall at or before the time fixed for appearance or answer in the garnishee summons, file or cause to be filed in the justice court in which said action is pending a schedule of his personal property made and sworn to as provided in Section 7119. The justice may also order an interpleader as provided in Section 6983, and adjourn said action for hearing thereof to a date not less than three nor more than ten days after the date fixed for appearance and answer in said garnishee action and issue notice to the claimant

described in said Section 6983, of the time and place of said adjournment, and that he shall then and there defend his claim if any, to the money or property held in garnishment, which said notice shall be served upon said claimant in the same manner as required for the service of summons in justice court.

Approved March 1, 1913.

LAWS

CHAPTER 197.

[S. B. No. 286—Judiciary Committee.]

COMPILED EDITION STATE LAWS.

AN ACT Authorizing the Secretary of State to Contract with the Lawyers' Co-operative Publishing Company of Rochester, New York, to Publish a Compiled Edition of the Laws of North Dakota.

Whereas, the edition of the Revised Codes of North Dakota of 1905 is practically exhausted, and there is a general demand and necessity for a compilation that shall embrace all laws and conform to all amendments made by the Legislative Assembly since 1905, up to and including the thirteenth legislative assembly; and,

Whereas, the Secretary of State is already empowered by law in the publication of codes and statutes to have general supervision over the compilation, re-numbering, readjusting, Sections, Chapters, Articles and Subdivisions, and general arrangements therefor, and,

Whereas, it is advisable to secure, at the least expense to the state, the compilation of laws up to date; now, therefore,

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

§ 1. That as soon as practicable, the secretary of state is authorized to contract with the Lawyer's Co-Operative Publishing Company, of Rochester, New York, a foreign corporation, to publish, in compliance with the following offer made by said corporation, a compiled edition of the laws of the state of North Dakota, which contract of codification shall include the right and duty to substitute and incorporate all amendments and include all new statutes without change or modification, the elimination of all statutes that have been expressly repealed, the re-numbering of Sections, Articles and Chapters where necessary to perfect and harmonize the statute, the revising and re-arranging of the index and table of contents according to the most modern

system of indexing, and in a general way the compiling, codifying, annotating and indexing a compiled edition of the laws of North Dakota, including the constitution of the United States, the state of North Dakota, and the Enabling Act, and including after each Section in such code the year of the date of passage of all laws and amendments thereto, and said compiled edition shall contain a notice on the fly leaf that the said compiled laws are published by authority of the State of North Dakota, to be known as "The Compiled Laws of the State of North Dakota for the year 1913." The said compiled laws shall contain by appropriate references, annotations to each Section so far as decided by the Supreme Courts, of the decisions of all states and the United States and territories, notes in the American Decisions Reports, National Reporter System, American Reports and American State Reports, State Reports and L. R. A. in accordance with the following offer made by the Lawyer's Co-operative Publishing Company:

"Bismarck, N. D., January 28, 1913. We will codify the laws including the Session Laws of 1913 and annotate with reference to the decisions of all states and United States, notes, American Decision Reports, American Reports, American State Reports, State Reports and L. R. A., in two volumes, bound in sheep or buckram, on such paper as the secretary of state may decide, and when completed will furnish the State of North Dakota at such times and in such quantities as desired, at the rate of fifteen dollars (\$15.00) for two volumes, and furnish to the residents of North Dakota and all municipalities thereof, the said volumes at the same price; the State to furnish us with not less than six 1905 codes, six sets of session laws for the years 1907, 1909, 1911 and 1913. We will contract to deliver the proposed codes within one year from the time the laws of 1913 are delivered to us. (Signed) Lawyer's Co-operative Publishing Company, C. C. Wade, Representative.

Upon the completion of the said compiled laws, the same shall be submitted to the secretary of state, who shall carefully examine the same, and if he finds them to be a substantial compliance with the offer made by the Lawyer's Co-operative Publishing Company, he may purchase such number of said codes as may be necessary for the use of the State for distribution as required by law, and according to the terms of said offer.

§ 2. Whereas, an emergency exists in that the 1905 edition of the Revised Codes of North Dakota are poorly indexed and not sufficiently annotated, and the Session Laws for a number of years are not included therein, this Act shall be in force from and after its passage and approval.

Approved March 12, 1913.

CHAPTER 198.

[H. B. No. 487—Smith.]

SESSION LAWS—POPULAR EDITION.

AN ACT to Provide for the Publication by the State of an Unauthenticated Popular Edition of the Session Laws, and Its Distribution.

WHEREAS, Ignorance of the law excuses no man; and,

WHEREAS, Under Section 79 of the Revised Codes of 1905, the Secretary of State is required to secure a copyright of the Session Laws before they are Distributed; and,

WHEREAS, There are no means provided for the distribution of the laws of this state to the common people at a price within the means of the poorest, as is provided in other states; *therefore,*

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

§ 1. LAWS, HOW PRINTED.] In addition to the official and authenticated edition of the Session Laws, to be published, the secretary of state shall cause to be printed a popular edition of the Session Laws of each session in the following form: Type to be of eight point size, set solid, thirteen ems pica wide, two columns to the page of forty-two ems pica in length, with appropriated headings; paper to be of number one grade print paper of the basis of 24x36 inches, thirty-five pounds to the ream; the printed page to be 6x9 inches; binding to be wire stitching and the cover to be of paper, of the grade and weight now used and specified for the departmental reports, and there shall be three thousand copies printed.

§ 2. DISTRIBUTION.] The secretary of state is hereby required to furnish copies of the unauthenticated edition of the Session Laws at the actual cost of the same, plus ten per cent and postage, and it shall be the duty of the county auditor of each county to receive applications for copies of said popular edition and forward same together with the purchase price to the office of the secretary of state.

§ 3. AUTHENTICATION, NOT REQUIRED.] It is hereby expressly provided that the secretary of state shall not be required to procure a copyright nor authenticate this edition, but shall cause the same to be published and distributed with due care and ready for distribution on or before the fifteen day of April next following the Session of the Legislature.

§ 4. EMERGENCY.] Inasmuch as there is now no provision for the publication of a popular edition of the Session Laws of this state, an emergency is held to exist and this Act shall take effect and be in full force on and after its passage and approval.

Approved March 11, 1913.

CHAPTER 199.

[S. B. No. 287—Committee on Judiciary.]

DISTRIBUTION STATE LAWS.

AN ACT Entitled "An Act to Regulate the Distribution of the Laws of the State of North Dakota, and the Compilations and Codifications Thereof."

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

§ 1. OFFICERS ENTITLED TO RECEIVE.] Each member and officer of the legislative assembly, the governor, state auditor, state treasurer, attorney general, assistant attorney general, adjutant general, railroad commissioners, commissioner of agriculture and labor, commissioner of insurance, judge of the supreme court, judge of the district court, clerk of the supreme court, supreme court reporter, superintendent of public instruction, superintendent of every state benevolent society, superintendent of each penal institution, member of the board of control and tax commissioner shall be entitled to receive from the state a copy of any publication of the laws of the state and of any compilation or codification thereof published under authority of the state.

§ 2. OTHER DISTRIBUTION.] In addition to the persons mentioned in Section 1 hereof, all such laws or compilations or codifications shall be distributed as follows: To the supreme court law library, five copies; to the law library of the state university, ten copies.

§ 3. HOW DISTRIBUTED.] The secretary of state shall, as soon as conveniently can be done after the publication of any such laws, compilations or codifications, and the procuring therefor as provided by law, cause the copies thereof as hereinbefore provided to be furnished to the officers and libraries as mentioned, and upon the opening of the session of the legislature, shall furnish them to the members and officers thereof, and he shall, in addition, furnish to the officers of the legislature such additional copies as shall be necessary for the use of legislative committees as indicated by a resolution of the respective branches thereof.

§ 4. TO REMAIN PROPERTY OF THE STATE.] Every copy of laws, compilations or codifications thereof furnished to any officer or member of the legislature, its officers or committees, shall be and remain the property of the state, and must be surrendered to the secretary of state or the successor in office of any officer at the end of his term, and by members of the legislature ten days before the end of his term.

§ 5. DISTINCTIVE COLOR AND WORDING.] All books distributed hereunder shall be bound in some distinctive and un-

usual color, and shall be plainly marked in large letters on the outside covers with the words, "Property of the state of North Dakota."

§ 6. DISTRIBUTION BY MUNICIPALITIES.] The county commissioners of each county shall, immediately after the publication of any such laws, codes or compilations, cause a copy thereof to be furnished to the treasurer, auditor, sheriff, clerk of court, register of deeds, coroner and public administrator, county judge, superintendent of schools, and board of commissioners, and one copy for use in the district court of such county.

§ 7. DISTRIBUTION BY OTHER MUNICIPALITIES.] It shall be the duty of the fiscal agents of each other municipality in the state, including cities, towns, villages and townships, immediately after such publication, to provide for the use of the officers of such municipality at least one copy of all such publications and as many more as shall reasonably be needed for the use of such officers, as determined by such agents.

§ 8. PUBLICATIONS TO REMAIN PROPERTY OF MUNICIPALITIES.] All such publications distributed by the counties and such other municipalities shall forever remain the property thereof, and shall be delivered by the respective officers, at the end of their terms, to their successors.

§ 9. EXCHANGE OF LAWS WITH OTHER STATES.] The chief justice of the supreme court, the attorney general and the governor shall constitute a board to control other distribution of the publications aforesaid, and whenever it shall seem to such board desirable so to do, it may authorize and direct the secretary of state to distribute copies thereof, in exchange for like publications of other states.

§ 10. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 12, 1913.

LEGISLATIVE

CHAPTER 200.

[S. B. No. 80—Special Committee.]

ENROLLED AND ENGROSSED BILLS.

AN ACT to Amend Section 84 of Political Code of the Revised Codes of the State of North Dakota for 1905 Relating to Enrolling and Engrossing Bills.

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

§ 1. AMENDMENT.] That Section 84, of Political Code of the Revised Codes of 1905, be and the same is hereby amended to read as follows:

§ 84. BY CONTRACT.] The Secretary of State shall, not less than sixty nor more than seventy-five days before the meeting of the legislative assembly in regular session, give notice by advertising for three successive weeks, in a newspaper at the seat of government, that sealed bids will be received for the engrossing and enrolling of all bills passed by each house of the legislative assembly. The work to be done at a fixed price per folio, the engrossing to be done on typewriter, enrolling to be done on typewriter, using primar type and black record ribbon on standard linen record paper of not less than thirty pounds to the ream of demy size, or its equivalent, of the size of 10½x16 inches with a 1¼-inch red ruled margin. The services to be performed under the direction and in the time set by and to the satisfaction of the committees of the senate and house of representatives, or their agent. Upon the day set in the advertisement, which shall not be less than thirty days before the meeting of the legislative assembly, the bids shall be opened by a board consisting of the governor, secretary of state and state auditor.

§ 2. EMERGENCY.] Inasmuch as an emergency exists, this law shall take effect and be in force from and after its passage and approval.

Approved February 5, 1913.

CHAPTER 201.

[S. B. No. 81—Special Committee.]

LEGISLATIVE JOURNALS.

AN ACT to Amend Section 54 of the Revised Codes of the State of North Dakota for 1905.

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

§ 1. AMENDMENT.] That Section 54 of the Revised Codes of 1905 be and the same is hereby amended to read as follows:

§ 54. LEGISLATIVE JOURNALS, WHO KEEP AND FURNISH COPY.] The secretary of the senate and the chief clerk of the house shall keep a journal of the proceedings of their respective houses, and furnish a copy immediately upon each daily adjournment to the contractor for printing the same, who shall print and deliver the same at the commencement of the next day's session for the use of the members of the legislative assembly—the number of copies of each daily journal to be determined by resolution of each daily journal to be determined by resolution of each branch of the legislative assembly. After being read in the house to which the journals respectively belong, and examined and compared with the minutes of the record of bill clerk, or the clerk having charge of the record of bills, memorials and joint resolutions, and in the presence and with the sanction of the house, corrected as found and declared to be correct, the proceedings of each day shall be attested by the secretary and chief clerk, and immediately thereafter delivered to the printer of the journals, who shall make the authorized corrections, if any, and print the sheets for the bound volumes of the journal.

After the journals shall have been printed, corrected, revised and properly indexed two bound copies of each, which shall be in half morocco, shall be filed and deposited with the Secretary of State, who shall carefully preserve the same, and shall attach thereto his certificate showing the date of such delivery to him and attesting that such journals are the identical and official journals delivered to him by the secretary of the senate and clerk of the house of representatives, and such records shall be and constitute the true and authentic journal.

§ 2. EMERGENCY.] Inasmuch as an emergency exists, this law shall take effect and be in force from and its passage and approval.

Approved January 27, 1913.

CHAPTER 202.

[H. B. No. 500—Twichell.]

PRINTING LEGISLATIVE JOURNALS, BILLS, ETC.

AN ACT to Amend and Re-enact Sections 44 and 45 of the Revised Codes of North Dakota of 1905, Relating to Printing and Distribution of Journals, Bills and Calendar.

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

§ 1. AMENDMENT.] Section 44 of the Revised Codes of North Dakota of 1905 is hereby amended and re-enacted to read as follows:

§ 44. BILLS TO BE PRINTED. HOW. CALENDAR.] Work of the first class shall be printed in first-class calendered paper, from small pica type, with single space between each line, the printed pages to be thirty-three ems pica wide and fifty-five ems pica long; five hundred copies of each bill or resolution shall be printed unless otherwise ordered by resolution of either branch of the legislative assembly. Copies of every bill or resolution shall be furnished for the files of each member of the legislative assembly, and may be procured by any person by applying either in person or in writing to the bill clerk of the branch of the legislative assembly in which such bill or resolution originated. A calendar of bills and resolutions introduced and referred shall be printed daily for the use of the members of the legislative assembly and for distribution. Such calendar shall be printed on sized and calendered paper, set solid in eight point type, two columns thirteen ems wide, in pages of sufficient length to contain a brief synopsis of each bill or resolution introduced and referred on that day, the number of each bill or resolution, the name of the person introducing the same, the name of the committee to whom referred, the number of each bill that day passing either branch of the legislative assembly and messaged to the other, and the statement of the final disposition of any bill or resolution on that day made. The synopsis of bills and resolutions to be so printed in such calendar, and such other matter to be printed therein as hereinbefore provided, shall be edited by a clerk to be employed for such purpose by the branch of the legislative assembly in which such bill or resolution is introduced or in which the action respecting such measure is had. Such synopsis or statement of any bill or resolution, as published in such calendar, shall not exceed ten printed lines in length. Such daily calendar shall be distributed and mailed in such number and manner as by resolution of either branch of the legislative assembly determined.

§ 2. AMENDMENT.] Section 45 of the Revised Codes of North Dakota of 1905 is hereby amended and re-enacted to read as follows:

§ 45. JOURNALS TO BE PRINTED. HOW.] The journals of the legislative assembly shall be printed on first-class sized and calendered paper of not less than forty pounds to the ream, size 25x38, eight point type set solid, in lines of twenty-one ems pica long, and there shall be no rules or slugs set between sub-headings or paragraphs; the printed page to be forty-three ems pica in length. The journals shall be delivered daily for the use of the members of the legislative assembly, and nothing shall be charged for composition or correction, or reimposition of the same matter for the bound journals, nor shall extra charge for composition be made when extra or additional copies are ordered printed. Copies of the journal of any day may be procured by application made personally or in writing to the bill clerk of either branch of the legislative assembly. One thousand copies only of the journal of each branch of the legislative assembly shall be printed, unless otherwise ordered by resolution of either branch of such legislative assembly.

Approved March 14, 1913.

LIBEL

CHAPTER 203.

[H. B. No. 340—Curry.]

LIBEL A MISDEMEANOR.

AN ACT Amending Section 2 of Chapter 128 of the Session Laws of North Dakota for 1905, being Section 8878 of the Revised Codes of North Dakota for 1905.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 128 of the Laws of North Dakota for 1905, being Section 8878 of the Revised Codes of 1905 is hereby amended and re-enacted to read as follows:

§ 2. SECTION 8878.] Every person who makes or composes, dictates or procures the same to be done, or who wilfully publishes or circulates such libel or in any way knowingly or wilfully aids or assists in making, publishing or circulating the same is guilty of a misdemeanor.

Approved March 13, 1913.

LIVE STOCK SANITARY BOARD

CHAPTER 204.

[S. B. No. 315—Bonzer.]

MEATS AND MILK—LABELING OF.

AN ACT to Amend and Re-enact Section 2005 of the Revised Codes of 1905 as Amended by Chapter 162 of the Session Laws of 1909, Relating to the Sale or Disposition of Animals Affected with Contagious or Infectious Diseases and the Use of Milk and Hides from Any Such Animals; Providing for the Labeling of Meat from Such Animals and Prescribing a Penalty for the Violation Thereof.

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

§ 2005 of the Revised Codes of 1905 as amended by Chapter 162 of the Session Laws of 1909 is hereby amended and re-enacted to read as follows:

§ 2005. DUTY OF OWNERS OF STOCK. ANIMALS IN TRANSIT. MEATS TO BE LABELED.] The following regulations shall be observed in all cases of disease covered by this article:

First: It shall be unlawful to sell, give away, or in any manner part with any animal affected with or suspected of being affected with any contagious or infectious disease, with such exception as shall be provided for by the rules and regulations of the live stock sanitary board, and in case of any animal that may be known to have been affected with or exposed to any such disease within one year or prior to such disposal due notice of the fact shall be given in writing to the person receiving the animal.

Second: It shall be unlawful to kill for butcher purposes any such animals, or to sell, give away, or use any part of it or its milk, or to remove any part of the skin, with such exceptions as shall be provided for by the rules and regulations of the live stock sanitary board. Provided that in all cases where, under the rules and regulations of the live stock sanitary board of this state, it shall be lawful to sell, barter, or give away for human consumption the meat from any animal affected with contagious or infectious diseases, there shall be placed upon each quarter of the animal so affected in at least ten separate places a stamp or label, clearly showing the words "affected meat." No meat from any affected or diseased animal shall be placed upon the same block or table on which meat not so affected is handled. Failure to observe these provisions shall be a misdemeanor and on conviction shall be punished by a fine of not less than one hundred dollars, or to be imprisoned in the county jail for a term of not less than thirty days nor

agent, or person having in charge any animal infected or suspected of being infected with any contagious disease more than one year. It shall be the duty of the owner, immediately to confine the same in a safe place, isolated from all other animals and with all necessary restrictions to prevent the dissemination of the disease until the arrival of an accredited agent of the live stock sanitary board.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1913.

CHAPTER 205.

[S. B. No. 381—Plain.]

CATTLE, PURE-BRED—HEALTH CERTIFICATE.

AN ACT Prohibiting the Sale of Pure-Bred Cattle Unless Accompanied by a Certificate of Health.

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

§ 1. CERTIFICATE OF HEALTH OF PURE-BRED CATTLE REQUIRED.] All persons selling pure-bred cattle, or cattle represented to be pure bred, for breeding purposes shall, before delivery, make a report to the State Live Stock Sanitary Board on blanks furnished by the board on application, stating the number of cattle sold, their age and sex, and to whom sold, and before delivery thereof such cattle shall be tested with tuberculin, and if found free from disease a certificate of health shall be given by said Live Stock Sanitary Board, or some person duly authorized by the Live Stock Sanitary Board, to the seller and purchaser, provided that no such certificate shall be required in case the cattle so sold shall have been tuberculin tested and found free from disease within one year, under the direction of the Live Stock Sanitary Board and the laws of this state, and a certificate of health granted by said Live Stock Sanitary Board within that time, provided further that no certificate shall be required for animals under six months of age.

§ 2. PENALTY FOR VIOLATION OF LAW.] Any person, who shall sell or dispose of any pure-bred cow or bull for breeding purposes without furnishing a certificate of health as provided for in Section 1 of this act, shall be guilty of a misdemeanor, and be punished by a fine of not less than twenty-five (\$25.00) dollars, or more than five hundred dollars (\$500.00), or by imprisonment not less than thirty (30) days nor more than ninety (90) days.

§ 3. This act shall take effect and be in force on and after January 1st, 1913.

Approved March 10, 1913.

CHAPTER 206.

[H. B. No. 488—Stinger.]

GLANDERS, TEST.

AN ACT Extending the Powers and Duties of the State Live Stock Sanitary Board and Providing for the Testing of Animals Exposed to the Infection of a Disease Known as Glanders.

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

§ 1. In addition to the powers now conferred by law the state live stock sanitary board is authorized and empowered to test or cause to be tested any and all horses, mules, and asses, which may have been exposed to glanders and when requested to do so by the board of supervisors of any organized township or by the board of county commissioners, it shall then be the duty of the state live stock sanitary board to test or cause to be tested any of the horses, mules and asses in said organized township or any such county, as shall be exposed to glanders or which such board of supervisors or county commissioners shall be (by) resolution request.

§ 2. When any horses, mules, and asses shall be tested as provided for in Section 1 of this Act, the agent of the state live stock sanitary board shall be paid for his services in connection therewith such fees as may be determined by the state live stock sanitary board, *provided* that such fees shall not exceed five (\$5.00) dollars per day and expenses actually incurred.

§ 3. The itemized accounts for said testing shall be submitted by sworn vouchers and detailed reports of said testimony, same to be audited and approved by the state live stock sanitary board and forwarded to the board of county commissioners in the county where said testing was performed, whereupon the board of county commissioners shall order warrants drawn by the county auditor for one-half the amount of said account and one-half of said account shall be paid out of the live stock sanitary board fund as provided for by law.

§ 4. If the funds appropriated and available for the use of the live stock sanitary board have been exhausted or are insufficient to meet the expenses of carrying out the provis-

ions of Act, the owner of any exposed animals may have such animals tested under the direction of the live stock sanitary board and the expenses of such testing shall be borne jointly and in equal shares by the owner of the exposed animals and the county wherein said owner resides. The fees for such testing or examination shall not exceed the fee prescribed in Section 2 of this Act.

§ 5. Whereas, the non-elimination of horses, mules and asses invisibly infected with glanders after exposure tends to perpetuate the disease and cause a severe drain upon the resources of the state, and whereas the total elimination of glanders without the elimination of infected contract (contact) cases is impossible, therefore an emergency is declared to exist and this Act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 15, 1913.

MARRIAGES

CHAPTER 207.

[S. B. No. 45—Overson.]

REGULATING MARRIAGES.

AN ACT Regulating Marriages and the Issuance of Marriage Licenses, Prohibiting Marriages in Certain Cases, Providing Penalties for the Violation of the Provisions of this Act.

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

§ 1. No woman under the age of forty-five years, or man of any age, except he marry a woman over the age of forty-five years, either of whom is a common drunkard, habitual criminal, epileptic, imbecile, feeble minded person, idiot, or insane person, or person who has theretofore been afflicted with hereditary insanity, or is afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, shall hereafter intermarry or marry any other person within this state.

§ 2. No clergyman or other officer authorized by law to solemnize marriages within this state shall hereafter perform a marriage ceremony uniting persons in matrimony, either of whom is an epileptic, imbecile, feeble-minded person, common drunkard, insane person, habitual criminal, or person afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, unless the female party to such marriage is over the age of forty-five years.

§ 3. The county judge, before a marriage license is issued, shall require each applicant therefor to file in his office upon blanks to be provided by the county for that purpose, an affidavit of at least one duly licensed physician other than the person seeking the license, showing that the contracting parties are not feeble-minded, imbeciles, epileptics, insane persons, common drunkards, or persons afflicted with pulmonary tuberculosis in its advanced stages, *provided*, that in addition, the affidavit as to the male contracting party shall show that such male is not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested, credible person, showing that said persons are not habitual criminals; the female is over the age of eighteen years and the male is over the age of twenty-one years, unless the consent in writing is obtained of the father, mother or other guardian of the person for whom the license is required in cases where the female is under the age of eighteen years and the male is under the age of twenty-one years, *provided*, that no consent shall be given, nor license issued, unless such female be over the age of fifteen years. Said affidavit may be subscribed and sworn to before any person authorized to administer oaths.

Anyone knowingly swearing falsely to the statements contained in the affidavit mentioned in this act shall be deemed guilty of perjury and punished as provided by the laws of the State of North Dakota.

§ 4 A license to marry shall not be issued to one under the influence of intoxicating liquor at the time of making application for license, and no marriage ceremony shall be performed when either or both of the contracting parties are under the influence of intoxicating liquor or any narcotic drug.

§ 5. For making an examination of either of the contracting parties to a marriage, and the affidavit required in this act, a physician may charge a fee of not to exceed two dollars.

§ 6. Any person violating any of the provisions of this act, or any person knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this act, shall be punished by a fine of not less than fifty dollars or more than five hundred dollars, or by imprisonment in the county jail not over thirty days or by both such fine and imprisonment.

Approved March 1, 1913.

MECHANIC'S LIENS

CHAPTER 208.

[S. B. No. 263—Putnam.]

MECHANIC'S LIENS.

AN ACT to Amend Section 6245, Chapter 79, of the Revised Codes of North Dakota for 1905, Relating to the Enforcement of Mechanic's Liens.

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

§ 1. AMENDMENT.] That Section 6245 of the Revised Codes of 1905 be amended to read as follows:

§ 6245. ACTION TO ENFORCE.] Any person having a lien by virtue of this Chapter may bring action to enforce the same in the district court in the county or judicial subdivision in which the property is situated, and any number of persons claiming liens against the same property may join in the same action, and when separate actions are commenced, the court may consolidate them; *provided*, however, that before such lien holder may enforce such lien as herein provided, he shall give ten days' written notice to the record owner of property affected, of his intentions so to do, which notice shall be made by personal service, or by registered letter directed to the person's last known address. *Provided*, further, that if notice is given by registered letter, that twenty days' notice from date of registry receipt must be given before beginning action to enforce such lien. Whenever in the sale of the property subject to the lien there is a deficiency of the proceeds, judgment may be entered for the deficiency in like manner and with like effect as in actions for the foreclosure of mortgages.

Approved March 13, 1913.

CHAPTER 209.

[S. B. No. 350—Judiciary Committee.]

MECHANIC'S LIENS.

AN ACT Fixing Priorities of Liens, and Requiring All Persons Who May Be Entitled to a Mechanic's Lien to File a Notice of Lien and the Owner's Consent for Such Lien and Providing a Penalty for Filing Unlawful Liens.

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

§ 1. NOTICE TO BE FILED.] Every person who shall be entitled to have a mechanic's lien for material under the provisions of Section 6237 of the Revised Codes for 1905 and Acts amendatory thereto, and who wishes to avail himself of the provisions of said Section, shall, in addition to the requirements of said Section, file with the clerk of the district court of the county in which such land, building or improvement is situated, a notice in writing, giving the name of the possessor of the land, a description of the property to be charged with the lien, the date of the contract, and that he will claim and thereafter file a verified account thereof, as provided by statute, and perfect a mechanic's lien against the said described building, improvements or premises according to law, in the event the same shall not have been paid. This notice shall be signed by such person so entitled to such mechanic's lien or by authorized agent. The clerk of court shall file and record such notice in a book to be entitled the "Book of Mechanic's Liens Notice" upon the receipt of a fee of twenty-five cents for filing and indexing the same. A mechanic's lien shall be void against the owner or holder of any mortgage or deed or conveyance, whose mortgage, deed or conveyance shall have been filed and recorded prior to the filing for record of the herein prescribed notice of mechanic's lien.

§ 2. NOTICE AND CONSENT OF OWNER REQUIRED.] Every person who shall be entitled to a mechanic's lien for material under the provisions of said Chapter and Acts amendatory thereto, and who wishes to avail himself of the provisions of said Section shall in addition to the requirements of said Section file with his lien a statement to the effect that the owner of the premises has consented that said line may be filed, which statement must be signed by the owner of said premises, and which statement must be made in duplicate and duplicate delivered to the owner of the premises, and both original and duplicate notice be signed on or before the time the first material is furnished; *provided*, that when the owner of the premises has consented that a

lien may be filed against the premises by a contractor it shall not be necessary for any sub-contractor or material man to obtain any further consent to the filing of liens for materials furnished for the improvement of said premises. Such notice must be substantially in the following form:

I hereby acknowledge that notice has been given me that a mechanic's lien may be filed for material furnished, under my contract with (name of contractor or person furnishing material) made on this.....day of191.., and I hereby consent that such lien may be filed as security for material furnished to me (character of improvement).

§ 3. PENALTY FOR FILING UNLAWFUL LIEN.] Whoever signs and files a mechanic's lien under the provisions of Section 6237 of the Revised Codes of 1905 and Acts amendatory thereto, and knowing and wilfully includes in said lien classes of said material for which the law does not permit the filing of a line, shall be guilty of a misdemeanor.

Approved March 13, 1913.

MILITARY

CHAPTER 210.

[H. B. No. 377—Williams.]

ACCEPTANCE OF MILITARY AND INDIAN RESERVATIONS.

AN ACT Providing for Accepting by the State of North Dakota Any Military Reservation, Indian School Reservation, and All Property Connected Therewith, That the United States May Cede or Transfer to the State of North Dakota, Subject to Any Conditions and Requirements Which Congress May Make.

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

§ 1. That the state of North Dakota may accept from the United States any military reservation, Indian school reservation, and all property connected therewith, that the United States may cede or transfer to the state of North Dakota, subject to any conditions and requirements which Congress may impose.

§ 2. That upon the cession of any military reservation or Indian school reservation to the state of North Dakota by the United States, as provided for in Section 1 of this Act, it shall be the duty of the State Board of Trustees of Public Property to take charge of and care for the property until otherwise provided by law; and the Governor is hereby directed to receipt to the United States for any personal property transferred to the state.

Approved March 11, 1913.

MOTHERS' DAY

CHAPTER 211.

[H. B. No. 338—Weis.]

AN ACT to Establish a Day in the State of North Dakota to be Known as "Mothers' Day."

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

§ 1. It shall be the duty of the Governor each year to designate the first Sunday in June as Mother's Day and the Governor shall issue a proclamation asking that the people of the state shall upon that Sunday assemble in their churches or such other place or places as may be most convenient for the purpose of paying respect and tribute to our mothers.

§ 2. EMERGENCY.] Whereas, in order to have Mothers' Day observed in the year 1913, it is necessary that this act shall take effect on or before April 1, 1913; therefore, an emergency exists and this act shall be in force and effect from and after its passage and approval.

Approved March 11, 1913.

NATIONAL GUARD

CHAPTER 212.

[H. B. No. 343—Burnett.]

ARMORY, COMPANY L.

AN ACT for the Relief of Company L, First Regiment, North Dakota National Guard Training School, a Corporation.

PREAMBLE.

WHEREAS, Heretofore on the 12th day of August, 1907, Company L, First Regiment North Dakota National Guard Training School, a corporation, did convey by warranty deed to the State of North Dakota, that part of lots numbered Ten (10), and Eleven (11) and Twelve (12), in Block numbered Six (6), in White's Addition to Hill City, now called Hillsboro, according to the plat thereof on file and of record in the office of the register of deeds of Traill County, North Dakota, described as follows to-wit:

Commencing at the northwest corner of Lot Twelve (12) in Block Six (6), White's First Addition to Hillsboro, thence running southerly on the west boundary line of said Lot 12, 125 feet, thence running easterly at right angles, 52 feet, thence running northerly on a line parallel to and two feet distant from the westerly line of Lot Ten (10) in said block, 125 feet, to the north boundary of said Lot Ten (10) thence westerly and on the north boundary line of Lots 10, 11, and 12, fifty-two (52) feet to the place of beginning, and

WHEREAS, the said Company L has since said date erected an armory on said premises at a cost in excess of twelve thousand (\$12,000.00) dollars; and

WHEREAS, in order to complete the said armory and to install a heating plant therein, a further expenditure of two thousand dollars (\$2,000.00) is necessary; and

WHEREAS, there is no funds available by statute from the state of North Dakota for such purpose; and

WHEREAS, the state of North Dakota has heretofore contributed toward the building of such armory the sum of five thousand (\$5,000.00) dollars, and no more; and

WHEREAS, it is the desire of the said Company L. to take advantage of the law in that case made and provided, now, therefore,

Be it Enacted by the Legislative Assembly of the State of North Dakotas

§ 1. CONVEYANCE.] The governor of the state of North Dakota is hereby authorized to make, execute and deliver

in the name and for and on behalf of the state of North Dakota, an instrument of conveyance, conveying in fee simple to Company L. First Regiment North Dakota National Guard Training School, a corporation, the following described premises, to-wit:

That part of lots numbered Ten (10), Eleven (11), and Twelve (12) in Block numbered Six (6), in White's First Addition to Hill City, now called Hillsboro, according to the plat thereof on file and of record in the office of the register of deeds of Traill County, North Dakota, described as follows:

Commencing at the northwest corner of Lot 12, in Block 6, White's First Addition to Hillsboro, thence running southerly on the west boundary line of said Lot 12, 125 feet; thence running easterly at right angles, 52 feet; thence running northerly on a line parallel to and two feet distant from the westerly line of Lot 10, in said block, 125 feet to the north boundary line of said Lot 10; thence westerly and on the north boundary line of Lots 10, 11, and 12, 52 feet to the place of beginning.

Upon the tender and delivery to the State of North Dakota of notes payable to the State of North Dakota in the sum of \$5,000.00, together with a mortgage upon said premises to secure the same, and that such conveyance so signed by the governor shall be attested by the secretary of state.

Approved March 14, 1913.

OIL INSPECTOR

CHAPTER 213.

[H. B. No. 413—Gardiner.]

COAL INSPECTION.

AN ACT Providing for the Inspection of Coal Imported into This State and Charging the State Oil Inspector and His Deputies with the Performance of the Duties Imposed by This Act.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith house bill No. 413, An Act providing for the inspection of coal imported into this state and charging the state oil inspector and his deputies with the performance of the duties imposed by this Act, with my approval, except as to the item in Section 5, appropriating the sum of \$2,000.00 annually for carrying out the provisions of this Act. This item 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.

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

§ 1. In order to protect the interests of the consumers of coal shipped into the state of North Dakota, the provisions herein enacted are made incumbent upon the state oil inspector, who shall be ex-officio inspector of coal imported into the state.

§ 2. STANDARDS AND TESTS.] For the purpose of this Act, coal marketed as anthracite shall meet as a standard the following requirements:

(All determinations shall be made on a moisture-free basis.) In such standard the ash should be under fifteen per cent (15%) the British thermal units should be over

12,000. Any coal marketed below this standard shall be sold at a price based upon the following scale of reduction, the price corrections authorized for anthracite due to variations in the British thermal unit value in "dry coal" *below* the standard herein specified and in ash content *above* said standard shall be determined in the following manner:

The prices to be paid shall be computed by dividing the market price at the point of sale by the British thermal unit value herein before specified and multiplying by the actual determined British thermal unit value from which shall be subtracted ten cents (10c) per ton for each increase of one per cent (1%) in ash content above fifteen per cent (15%), as herein before specified. For the provisions of this Act, coal other than anthracite and marketed as bituminous coal shall meet as a standard the following requirements:

(All determinations shall be made on a moisture-free basis.) In such standard the ash should be under ten per cent (10%) and the British thermal units should be above thirteen thousand (13,000).

Any bituminous coal marketed below the standard shall be sold at a price based upon the following scale of reduction, the price corrections authorized for bituminous coal due to variations in British thermal unit value in the "dry coal" *below* the standard herein specified, and any ash content *above* said standard shall be determined in the following manner:

The price to be paid shall be computed by dividing the market price at the point of sale by the British thermal unit value herein before specified and multiplying by the actual determined British thermal unit value, from which shall be subtracted seven cents (7c) per ton for each increase of one per cent (1%) in ash content above ten per cent (10%), as hereinbefore specified.

§ 3. DUTIES AND POWERS.] It shall be the duty of the state oil inspector and his deputies to collect samples of anthracite and bituminous coals imported into this state when in the judgment of the state oil inspector there seems to be a need of so doing for the protection of the consumers; and in case of serious grievance upon the written request accompanied by a proper affidavit stating the party from whom the coal was purchased, the place and date of purchase and accompanied by such other information as may be required by the oil inspector, and provided that upon careful investigation there seems to be sufficient cause to warrant action, the state oil inspector or his deputies are

hereby authorized to enter into or upon the premises of any dealer or vender of coal at any time for the inspection or taking of samples of anthracite or bituminous coal as herein specified.

§ 4. SAMPLES, HOW SECURED.] Samples of coal shall be taken from at least three ports of entry at intervals of not longer than ninety days (90) and all samples of coal taken for or subjected to tests under this Act shall be promptly transmitted to the school of mines of the state university, and it shall then be the duty of the said school of mines to make the tests herein specified and report the results of said tests to the oil inspector. In securing samples, proper care shall be exercised to obtain an average sample of the lot to be tested and such sample shall not be less than fifty pounds or over one hundred pounds, which when tested at said school of mines shall be properly reduced and sampled for the necessary tests herein provided.

§ 5. FUNDS, HOW PROVIDED.] For the purpose of making the tests herein provided, there shall be set aside from the general fund the sum of two thousand (\$2,000.00) dollars, annually, or so much thereof as may be necessary for carrying out the provisions of this Act in making the tests specified at the school of mines and as herein provided.

§ 6. REPORT.] It shall be the duty of the state oil inspector to make a biennial report to the governor of the state of the inspection of coal imported into the state as herein provided.

§ 7. EMERGENCY.] Whereas, an emergency exists in that there is no provision for carrying out this bill therefore, this Act shall take effect and be in force on and after its passage and approval.

Approved March 21, 1913.

OIL INSPECTION

CHAPTER 214.

[S. B. No. 102—Porterfield.]

OIL INSPECTION.

AN ACT Providing for the Inspection of Refined Petroleum, Illuminating Oils, Gasolines and Other Low Flash Test Petroleum Products, Defining the Ports of Entry, Appointment of State Inspector of Oils and Deputies, and Fixing the Salaries of the same; Defining Chemical Tests, and Providing Appropriations Therefor.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 102, an act providing for the Inspection of Refined Petroleum, Illuminating Oils, Gasolines, and other Low Flash Test Petroleum Products, Defining the Ports of Entry, Appointment of State Inspector of Oils and Deputies, and Fixing the Salaries of the Same; Defining Chemical Tests and Providing Appropriations Therefor, with my approval, except as to the item carried in Section 10, providing "that there shall be set aside from the general fund four thousand dollars annually," which item is vetoed for the reason that the appropriations largely exceed the revenues of the state.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

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

§ 1. OIL INSPECTOR. APPOINTMENT OF DEPUTIES. SALARIES.]
The governor shall, by and with the advice and consent of the senate, appoint a suitable person, a citizen of this state, who is now engaged directly or indirectly in the manufacturing, dealing or vending of petroleum, illuminating oils, gasolines, or other petroleum products hereinafter mentioned, whose title shall be the state inspector of oils, and whose term of office shall be two years, commencing on the first Tuesday in April succeeding his appointment, or until his successor shall be appointed and shall qualify. Said state inspector shall appoint a deputy inspector at all points designated as ports of entry, whose salary shall be as hereinafter provided. The said state inspector of oils and his deputies shall have the right, and it shall be his duty to enter into or upon the premises of any manufacturer, dealer, vender of these refined petroleum oils, or gasolines

at any time for the inspection of such oils and gasolines, and to inspect any books or papers of such manufacturers, dealers or transportation companies pertaining to the shipment or sale of such oils or gasoline, and all receptacles in which such oils or gasoline are or may be contained. Such state inspector of oils shall receive an annual salary of two thousand five hundred dollars, payable monthly on the first day of each calendar month, and each and all of such deputies shall receive salaries payable monthly on the first day of each calendar month, unless otherwise ordered by the state inspector of oils, as follows:

At ports of entry, where the total number of barrels inspected is in excess of eight thousand per annum, the salary shall be fifty dollars per month.

At ports of entry, where the total number of barrels is in excess of fifteen thousand per annum, the salary shall be seventy-five dollars per month.

All ports of entry where the total number of barrels is in excess of twenty-five thousand per annum the salary of deputy oil inspectors shall be one hundred dollars per month; *provided*, that the salary of the deputy oil inspectors at the designated points of entry shall be based upon the last annual report of the state oil inspector as to the amount of barrels of oil inspected. All other deputies shall receive a salary of not less than ten dollars per month nor more than thirty dollars per month, as in the judgment of the state inspector of oils is just compensation for services performed. The state inspector of oils shall make and file with the state auditor on or before the 5th day of each month monthly statements, under oath, of all inspections made by himself and his deputies under the provisions of this article.

§ 2. STATE AUDITOR'S DUTIES.] It shall be the duty of the state auditor to furnish the state treasurer with a summary of inspection fees due to the state of North Dakota, designating the name and address of consignors and the amount of inspection fees, on or before the tenth day of each month.

§ 3. STATE TREASURER'S DUTIES.] It shall be the duty of the state treasurer to promptly send to the state inspector of oils the name and address of any person, firm or corporation failing to pay inspection fees as provided in this article. The said state inspector of oils or his deputies shall, on receipt of said notice from the state treasurer, hold any or all future shipments of petroleum, illuminating oils, gasolines, or other petroleum products consigned by such person, firm, or corporation until all delinquent inspection fees have been paid according to the provisions of this Article.

§ 4. PAYMENT OF FEES.] The inspection fees due to the

state of North Dakota, as provided in this Article, must be paid by the consignor of the said petroleum, illuminating oils, gasolines, or other petroleum products, directly to the state treasurer on or before the fifteenth day of each calendar month.

§ 5. OATH. BOND.] The state inspector of oils and his deputies shall each, before entering upon the discharge of his duties, take oath or affirmation, according to the constitution of this state, and the laws thereof, and shall file the same with the secretary of state. The said state inspector of oils shall execute a bond to the state of North Dakota in the penal sum of five thousand dollars, with such surety as shall be approved by the governor of the state, conditioned for the faithful performance of the duties herein imposed, which bond shall be for the use of the state of North Dakota, and of all persons aggrieved by the act or failure of act of the state inspector of oils, and the same shall be filed with the secretary of state. Each such deputy inspector of oils shall, before entering upon the discharge of his duties, execute a bond to the state of North Dakota in the penal sum of not less than one thousand dollars nor more than five thousand dollars, as the state inspector of oils shall prescribe, which bond shall be approved by the governor and filed with the secretary of state; and such bond shall be conditioned for the faithful performance of the duties herein imposed and shall be for the use of the state of North Dakota, and all persons aggrieved by the act or failure of act of such deputy inspector of oils.

§ 6. OIL COMPANIES SHALL EXECUTE BOND TO GUARANTEE PAYMENT OF FEES.] Any person, firm or corporation shipping into the state petroleum, illuminating oils, gasolines, or other petroleum products for sale, or manufacturing within the state such petroleum, illuminating oils, gasolines, or other petroleum products, shall execute a bond to the State of North Dakota in the penal sum of not less than five hundred dollars. In case the inspection fees of any person, firm or corporation exceed the amount five hundred dollars for any calendar month such person, firm or corporation shall execute a bond to the state of North Dakota for twice the amount of the maximum fees paid by such person, firm or corporation for any month of the preceeding calendar year, with such surety as shall be approved by the governor of the state, conditioned for the faithful payment of inspection fees herein imposed, which bond shall be for the use of the state of North Dakota, and shall be filed with the secretary of state not later than May first, 1913. *Provided*, that any person, firm or corporation doing business in the state at the time of the taking effect of this Act shall file

such bond not more than thirty days after shipment of the first consignment into the state.

§ 7. INSPECTOR TO FURNISH APPARATUS.] The state inspector of oils shall, immediately upon the appointment and qualification of the deputies named in Section one, procure and furnish to such deputies such apparatus as may be necessary to carry out the provisions of this Article. He may also purchase from time to time the apparatus for making tests of petroleum, illuminating oils, gasoline, and other petroleum products as hereinafter provided, and pay the necessary travel and other expenses of the department.

§ 8. INSPECTOR'S DUTIES.] All illuminating oils, the product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent, whether manufactured in this state or not, shall be inspected as provided in this Article before being sold or offered for sale or used for illuminating purposes in this state. It shall be the duty of the state inspector of oils, or his deputies, to examine and test within this state all such oils held or offered for sale or sold by any manufacturer, vender, person, firm or corporation in this state for illuminating purposes, and if upon such tests and examination said illuminating oils shall meet the requirements hereinafter specified he shall affix to the receptacle containing the same his brand, showing the date of his inspection, his name, and the words, "Approved, flash test not less than one hundred (100) degrees, fire test not less than one hundred and twenty-five (125) degrees." But if such illuminating oils, so specified, the words, meet said requirements, hereinafter specified, the words, "Rejected for illuminating purposes," shall be marked in plain letters upon the receptacle containing the same.

All oils, the product of petroleum, or into which petroleum, or any product of petroleum enters or is found as a constituent, sold or offered for sale or used in this state for illuminating purposes, shall conform to the following requirements: The color shall be water white when viewed by transmitted light through a layer of oil four inches deep. It shall not give a flash test below one hundred (100) degrees, closed cup test. Elliot cup, and shall not have a fire test below one hundred and twenty-five (125) degrees Fahrenheit, Elliott cup.

Said state inspector of oils or his deputies shall also examine and test, within this state, all such illuminating oils held or offered for sale or sold for illuminating purposes by any manufacturer, vender, or by any person, firm or corporation in this state, for gravity. The gravity of said illuminating oils shall be determined by the Tagliabue standard, registered hydrometer, Beaume scale, at a temp-

erature of sixty (60) degrees Fahrenheit; and every manufacturer, vender or dealer in said illuminating oils in this state shall stencil on each barrel or package containing said illuminating oils the words, "Gravity Test not less than degrees Beaume," inserting in the blank space left therefor a Beaume gravity not higher than the actual Beaume gravity of the contents at a temperature of sixty (60) degrees Fahrenheit.

Every person, firm or corporation selling or delivering said illuminating oil in bulk by means of portable tanks or tank wagons, or at retail, shall, in lieu of the stamp or brand above provided for, furnish and deliver to the purchaser a certificate covering each delivery therefor in the following words, figures and terms:

"This is to certify that the illuminating oil covered by this sale has a gravity test of not less than degrees, Beaume, and a flash test of not less than one hundred (100) degrees, and a fire test of not less than one hundred and twenty-five (125) degrees, and has been inspected and approved by the state oil inspector, and complies with North Dakota chemical tests.

Inserting in the blank space left therefor a Beaume gravity not higher than the actual Beaume gravity of the oil covered by the sale at a temperature of sixty (60) degrees Fahrenheit; *provided*, so-called fuel oil and other petroleum products test forty (40) degrees Beaume or lower at a temperature of sixty (60) degrees Fahrenheit shall be inspected as in this act provided, and the same shall be labeled "fuel oil" or "distillate," as the case may be, and the fee for inspection and branding or labeling the same shall be twenty-five (25) cents per barrel. It is not the intent of this provision to include lubricating oils.

§ 8½. DUTY OF SELLER, PENALTY.] All oils the product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent, sold or offered for sale, or used in this state for illuminating purposes shall likewise conform to the following, which shall be known as chemical tests, to-wit: (a) Such illuminating oils shall not contain water or tar-like matter, nor shall they contain more than a trace of any sulphur compound. (b) It shall be the duty of the state inspector of oils, or his deputy, to at least once in each ninety days have a chemical test made at the State University and the State Agricultural College, demonstrating whether or not such oils contain more than four per cent residue after being distilled at a temperature of five hundred and seventy (570) degrees Fahrenheit, and shall not contain more than six per cent of oil distilling at three hundred and ten (310) degrees Fahren-

heit, when one hundred (100) cubic centimeters of the oil are distilled from a side-neck distilling flask two and three-fourths inches in diameter, the length of the neck between the body of the flask and the side tube being two and one-half inches, said flask to be covered with a closely adhering jacket of asbestos paper; also, a determination of the amount of sulphur compounds in said oils, together with such burning tests as may be necessary to determine the photometric value of the oils, which shall not, in the photometric test, when burning under normal conditions, show a fall of more than twenty-five per cent in candlepower in a test of not less than six nor more than eight hours' duration, consuming ninety-five per cent of the oil. The result of such chemical tests shall be included in the annual report of the state inspector of oils to the governor. The failure of the state inspector of oils to have the above tests made shall render him liable to a fine of one hundred dollars for each offense. In case any corporation, company or individual, manufacturer or vender, has or offers for sale for illuminating purposes oils, which do not comply with the hereinbefore prescribed chemical tests, the state inspector of oils shall reject such oils for illuminating purposes, and the offending officer of any such corporation or company, or the manufacturer, vender or individual having or offering for sale for illuminating purposes such oils shall be deemed guilty of a misdemeanor.

§ 9. DUTY OF SELLER. PENALTY.] All gasolines and all petroleum products having a flash test of less than one hundred (100) degrees Fahrenheit, closed cup test, Elliott cup, whether manufactured in this state or not, shall be inspected as provided in this Article before being sold or offered for sale or used in this state. It shall be the duty of the state inspector of oils or his deputies to examine and test within this state all such gasolines and petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, held or offered for sale or sold by any manufacturer, vendor, person, firm or corporation in this state for gravity. The gravity of said gasolines and said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall be determined by the Tagliabue standard registered hydrometer, Beaume scale, at a temperature of sixty (60) degrees Fahrenheit. After making said examination and test he shall affix to the receptacle containing the same his brand showing the date of inspection, his name and the word "Inspected."

Every person, firm or corporation selling or delivering any of the said gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in this

state, in barrels or packages, shall plainly stencil or label on each barrel or package containing the same the words "Gravity not less than degrees, Beaume. Unsafe for illuminating purposes. For power purposes only." inserting in the blank space left therefor a Beaume gravity not higher than the actual Beaume gravity of the contents of said barrel or package at a temperature of sixty (60) degrees Fahrenheit. Every person, firm or corporation selling or delivering said gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, by means of portable tanks or tank wagons, or at retail, shall, in lieu of the stamp, brand or label hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery of the same in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale, is unsafe for illuminating purposes, has a gravity of not less than degrees, Beaume, and has been inspected by the state inspector of oils. For power purposes only."

Inserting in the blank space left therefor a Beaume gravity of not higher than the actual Beaume gravity, at a temperature of sixty (60) degrees Fahrenheit, if the gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, covered by said sale. *Provided*, nevertheless, that all gasolines sold or offered for sale in this state for household purposes, shall, when one hundred cubic centimeters are subjected to distillation in a flask as described for distilling oil, show not less than three per cent distilling at one hundred and fifty-eight (158) degrees Fahrenheit, and there shall not be more than six per cent residue at two hundred and eighty-four (284) degrees Fahrenheit, which shall be known as the chemical test for gasoline sold or offered for sale in this state for household purposes.

Every person, firm or corporation selling or delivering any such gasoline in barrels or packages shall plainly stencil or label on each barrel or package containing the same, the words:

"Gravity not less than degrees Beaume. Unsafe for illuminating purposes. Sold for household purposes."

Every person, firm or corporation selling or delivering such gasoline in bulk by means of portable tanks or tank wagons, or at retail, shall, in lieu of the stamp or brand hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product

of less than one hundred degrees Fahrenheit, flash test, covered by this sale, is unsafe for illuminating purposes; has a gravity test of not less than degrees Beaume; has been inspected by the state inspector of oils and complies with the North Dakota chemical test for gasoline for household purposes."

Inserting in the blank space left therefor a Beaume gravity not higher than the Beaume gravity of the gasoline or petroleum product of less than one hundred degrees (100) Fahrenheit, flash test, covered by said sale, at a temperature of sixty (60) degrees Fahrenheit.

Any person, firm or corporation selling or offering to sell within this state gasoline for household purposes which does not comply with the foregoing requirements, shall be guilty of a misdemeanor.

§ 10. PROVIDING APPROPRIATIONS FOR CHEMICAL TESTS.] For the purpose of employing chemists and the purchase of apparatus and material, and to cover any other expenses incident to the making of chemical tests as above provided, there shall be set aside from the general funds four thousand dollars annually, which sum shall be divided equally between the State University and the State Agricultural College, and shall be paid quarterly of each year to the treasurers of said institutions in July, October, January and April. It shall be the duty of the chemist of the State University and the Agricultural College, having in charge the testing of oils, to make tests of such lubricating oils as are submitted to them to determine the lubricating value of the oils submitted to be tested.

§ 11. BRAND TO BE STAMPED ON CONTAINERS.] Every person, firm, or corporation offering for sale or selling or manufacturing within the state, such illuminating oils, gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall stamp or brand every package, barrel or cask containing the same with the name of brand contained in such package, cask or barrel. Every package, cask or barrel which contains gasoline or any petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, shall be branded before being shipped into the state, "Unsafe for Illuminating Purposes."

§ 12. DUTY OF INSPECTOR, OF TRANSPORTATION COMPANY. PENALTY.] It shall be the duty of the state inspector of oils to forward to each of the transportation companies whose lines enter the state, and to the state auditor, a list of the ports of entry which have been created, at once upon entering upon the duties of his office, and to report to such companies and state auditor new ports of entry as they may be established, together with the names of the deputies

at each port; and the transportation company bring petroleum, illuminating oils, gasolines, petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, into the state, subject to inspection as herein provided, shall stop and hold for inspection at points designated as ports of entry, all consignments of such goods, and a failure to do so will be a misdemeanor on the part of the transportation company and its representative in charge, and punishable by a fine not to exceed one hundred and fifty dollars, or by imprisonment not to exceed thirty days, or both. Any person, firm, corporation or individual bringing into the state such goods in same manner are subject to same regulations and penalties, except as to notifications of ports of entry and deputies and for their notification, notices shall be posted at every transportation company's station in each port of entry.

§ 13. INSPECTOR'S FEES.] Each and every inspector and deputy inspector who shall inspect any consignment of illuminating oils or gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, as provided in this Article, shall charge the consignor of such goods, the sum of twenty-five cents for testing a barrel or less quantity. Fifty gallons shall constitute a barrel. Every such inspector and deputy inspector shall keep an accurate record of all such goods inspected, rejected, branded, or certified to by him, which record shall state the date of such inspection; the number of packages, barrels, casks or tanks approved; the number rejected; the name of the persons for whom inspected; the name of the person to whom consigned, with his address; the sum of money charged for such inspection; and such records shall be open to all persons interested. The state inspector of oils shall, in the month of January, in each year, make and deliver to the governor a report of his acts, and those of his deputies, during the year preceding, together with remarks and suggestions for the benefit of the service, which shall include a copy and summary of the report submitted by said deputies as provided in this Section.

§ 14. INSPECTION REPORTS.] A record of all inspections shall be made in quadruplicate in a carbon copy book; one copy shall be retained at the port of entry where inspection is made. On the date of inspection one copy of the report shall be forwarded to the consignor, one copy to the state inspector of oils, and one copy to the state auditor, either on the date of inspection or on or before the fifth day of the succeeding month, at the discretion of the state inspector of oils. On the first day of each month each deputy shall also furnish to the state inspector of oils and state auditor a

summary of any and all inspections made by him during the month preceding, including the name and address of every consignor and the amount of inspection fees due. One copy of the monthly summary shall be retained at each port of entry.

§ 15. INSPECTOR AND DEPUTIES SHALL NOT DEAL IN PETROLEUM PRODUCTS. PENALTY.] It shall be unlawful for the state inspector of oils or his deputies, to directly or indirectly, while in office, traffic in any of the illuminating oils, gasoline or other petroleum products which he has been appointed to inspect. Any person violating the provisions of this Section shall be subject to a penalty of not exceeding five hundred dollars and be removed from office.

§ 16. STATE'S ATTORNEY SHALL PROSECUTE IN CERTAIN CASES.] It shall be the duty of the state inspector of oils, or any of his deputies, or any person having cognizance of any violation of the provisions of this Article, to forthwith make complaint to the state's attorney for the county in which the offense is alleged to have been committed, against the person or persons so offending, and it is hereby made the duty of such state's attorney to represent and prosecute on behalf of the people in this county all cases of offense arising under the provisions of this Article. Any inspector or state's attorney who wilfully refuses or neglects to carry out the provisions of this Section shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be removed from office.

§ 17. FALSE BRAND. ADULTERATION. PENALTY.] It shall be unlawful for any person, firm or corporation, whether vendor, dealer, or manufacturer, to knowingly have, use, sell, attempt to sell or deliver to any person in this state for illuminating purposes any of the illuminating oils hereinbefore mentioned, until the same shall have been inspected and approved, and branded, labeled or certified, according to the provisions of this Act. It shall be unlawful for any person, firm, corporation, whether vender, dealer or manufacturer, to knowingly have, use, attempt to sell, or deliver to any person in this state, any of the gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, until the same shall have been inspected and branded, labeled or certified, according to the provisions of this Act. It shall be unlawful for any person to falsely brand and label any package, barrel or cask, or falsely certify to the contents of any tank car, tank or tank wagon containing said illuminating oils or said gasolines or said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, or to deliver

therefrom, for the purpose of deceiving the purchaser thereof in any manner, as to the contents of the same. It shall be unlawful for any person to dispose of any empty barrel, cask, or package that has once been used for said illuminating oils or gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, and has been branded or labeled in accordance with this Act, before thoroughly cancelling, removing or effacing the inspection brand on the same.

It shall be unlawful for any person, firm or corporation to adulterate with paraffin or other substance for the purpose of sale or use, any of the illuminating oils specified in this Article, nor shall any person knowingly use or sell or offer for sale for illuminating purposes, oils which shall emit a combustible vapor at a temperature of less than one hundred (100) degrees Fahrenheit, according to the test herein described.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and shall be subject to a penalty not to exceed five hundred dollars fine, or imprisonment in the state penitentiary not exceeding one year, or both such fine and imprisonment.

§ 18. CONTAINERS. PENALTY.] It shall be unlawful for any person, firm or corporation to keep for sale or use or to sell any gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in any barrel, cask, package, can or receptacle, unless the same is painted red, or to keep for sale or use or to sell, any petroleum, illuminating oils, in any barrel, cask, package, can or receptacle, if the same is painted red, *provided*, however, that in case of gasoline, benzine or naphtha being sold in bottles for cleaning and similar purposes, it shall be deemed sufficient if the contents are so designated by red label securely pasted or attached thereto bearing the words, "Gasoline," "Benzine" or "Naphtha," as the case may be; *provided*, however, that the provisions of this Act shall not apply to any barrel, cask, package, can or other receptacle, the capacity of which is over sixty gallons.

Any person, firm or corporation violating any of the provisions of this Section shall be punished by a fine of not more than twenty-five dollars, or by imprisonment in the county jail not to exceed sixty days, or both.

§ 19. PENALTY.] Whoever shall knowingly use, sell or cause to be sold unlawfully for illuminating purposes any of the illuminating oils specified in this Article which are below one hundred (100) degrees Fahrenheit, flash test, as tested by the official test as herein described, shall be liable to any person purchasing such oil, or to any person injured

thereby for any damage to any person or property arising from an explosion thereof.

§ 20. REMOVED FROM OFFICE IN CERTAIN CASES.] It shall be the duty of the governor, whenever he shall find that the state inspector of oils is guilty of refusal or neglect to discharge any of the duties enjoined upon him by this Article, to promptly remove him from office. It shall be the duty of the state inspector of oils to promptly remove from office any of his deputies who shall prove to be unfaithful or dishonest in the discharge of his duties.

§ 21. PORTS OF ENTRY DESIGNATED, HOW.] The state inspector of oils is hereby authorized to designate as ports of entry ports where public necessity requires inspections should be made. For making inspection other than at points designated as ports of entry the state inspector of oils or his deputy shall be entitled, in addition to the fees prescribed, to actual traveling expenses, such expenses to be paid by the party for whom the inspection is made.

§ 22. EXPENSES PAID OUT OF GENERAL FUND.] All expenses other than salaries shall be paid out of the general fund on the order of the state inspector of oils.

§ 23. Nothing in this act shall be construed to exempt from inspection and payment of fees any illuminating oils, gasoline, power oils, or distillates.

§ 24. REPEAL.] Chapter 171 of the Session Laws of North Dakota for the year 1909, and all Acts or parts of Acts in conflict herewith are hereby repealed.

§ 25. EMERGENCY.] Whereas, an injunction against the state inspector of oils is now pending in court, forbidding him to exclude from the state certain petroleum products, an emergency exists, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1913.

PARDONS

CHAPTER 215.

[H. B. No. 482—Williams.]

PARDONS AND PAROLES.

AN ACT Authorizing State Board of Pardons to Reconsider After Favorable Action Has Been Taken by Them of the Application of Any Convict in the State Penitentiary for Pardon or Parole, on Their Own Motion or on the Application of Interested Parties Before the Release of Such Convict from the State Penitentiary.

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

§ 1. That the State Board of Pardons is hereby authorized to reconsider at any time before any convict has been released and finally discharged from the State Penitentiary, their action in recommending the pardoning or parolling of any convict, based on their own motion or the petition of interested parties.

Approved March 11, 1913.

PARKS

CHAPTER 216.

[S. B. No. 311—Overson.]

STATE PARKS—ISLANDS IN MISSOURI RIVER.

AN ACT Declaring the Island Situated in the Missouri River South of the City of Williston, and all Islands That May Appear in Said River Within Five Miles of Said City, State Parks.

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

§ 1. The island situated in the Missouri River immediately south of the city of Williston, in this state, and all islands that may appear in said river within five miles of said city of Williston in the state of North Dakota, shall be a public park, and shall remain dedicated to the people of the state under such restrictions as may be provided by law.

Approved March 10, 1913.

PENITENTIARY PRISONERS

CHAPTER 217.

[S. B. No. 127—Cashel.]

COMPENSATION OF PRISONERS.

AN ACT Relating to the Employment and Compensation of Prisoners Confined in the State Penitentiary, and Making an Appropriation Therefor from the receipts of the Twine Plant.

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

§ 1. EMPLOYMENT OF CONVICTS CONFINED IN THE STATE PENITENTIARY.] The board of control of the penal and charitable institutions of this state and the warden of the state penitentiary are hereby authorized and required to use and employ all persons sentenced to the state penitentiary on productive industries within and around the penitentiary, for the benefit of the state, and for the use of public institutions owned, maintained and controlled by the state or on the public highways of the state, as provided by law. The board of control shall establish rules and regulations governing the employment, conduct and management of the prisoners when employed on the work provided for them. As far as practicable, such prisoner shall be employed on such labor as shall make it possible for him to acquire more complete knowledge in that industry for which he is most adapted and at which he can best earn a livelihood when paroled or discharged from the institution. Life prisoners may be paroled by the board of pardons, while employed by the board of control under the superintendency of the warden outside of the penitentiary.

§ 2. CONVICTS MAY BE EMPLOYED ON PUBLIC ROADS AND AT THE STATE INSTITUTIONS AND BY COUNTIES.] The board of control is hereby authorized to employ, under the supervision of proper guards, all such convicts as it may deem practicable, not required in the twine plant or other departments of the penitentiary, and in and upon the construction and improvement of public highways, and convicts may be employed by any county of the state on the public roads thereof when it is mutually agreed to, by the state board of control and the county commissioners of such county, the county to pay all salaries and expenses in connection with the conduct of such road work. The convicts shall at all times be under the direct supervision and control of the

state. Convicts may also be sent out under proper guards to improve the grounds and perform other labor at the various institutions owned, maintained and controlled by the state. Prisoners employed upon the public roads or at state institutions shall be placed in charge of and under the supervision of skilled laborers, who shall also act as guards, in such number and in such manner as said board of control may direct. Prisoners so employed shall, as far as practicable and advisable, be placed upon their honor and pledged not to attempt to escape. They shall be clothed in the same garb, plain and distinguished by some insignia not too conspicuous. No prisoner shall be sent to do work in the community from which he was sentenced. No supervisor shall cause or permit any prisoner under his direction to be employed more than ten hours of any one day.

§ 3. TOOLS AND EQUIPMENT.] The warden, as directed by the state board of control, shall procure or cause to be procured, all necessary machinery, tools, equipment, appurtenances and provisions needful for the purpose of carrying on and conducting such trades and industries as may be authorized under the provisions of this Act.

§ 4. COMPENSATION.] All prisoners when employed, either laboring inside or outside of said penitentiary shall receive not less than ten nor more than twenty-five cents per day for work actually performed, as may be awarded by the warden, according to services rendered. The warden may assign or cause to be assigned a reasonable daily task to be performed by each convict and the compensation of such convict shall be in proportion to the amount of work he performs. In case he performs the daily task assigned him, he shall receive the maximum compensation herein provided for. The compensation of each convict shall be paid out of the particular fund credited to the industry in which such convict is employed, should there be such a fund, otherwise out of the twine plant fund.

§ 5. DISPOSITION OF MONEYS EARNED.] The money so earned shall be placed to the credit of such prisoner and sent monthly to anyone who may be dependant upon him for support, as determined by the field officer provided for in Chapter 174 of the Laws of 1909, said field officer to report such dependents to the warden of the penitentiary, excepting that a fund of fifty dollars (\$50) shall be accumulated during his term of confinement, and retained to be given the prisoner when his term expires or he is discharged, twenty-five dollars (\$25), shall be given to him when he leaves the penitentiary. Should he conduct himself properly, the warden shall send him the balance not to exceed twenty-five dollars when in need or at the end of three months after leaving the penitentiary. Should he not

conduct himself properly, as determined from the report of said field officer, the remainder shall be sent to those dependent upon him.

A prisoner not having anyone dependent upon him for support shall accumulate his earnings and shall receive twenty-five dollars (\$25) when discharged from the penitentiary and the balance not to exceed in any case the sum of twenty-five dollars (\$25), should he conduct himself properly and become hard up before securing employment, as determined by said field officer, may be paid him. The balance not to exceed twenty-five dollars shall be paid to such prisoner at the end of six months, upon the recommendation of said field officer, that he is satisfied with the conduct of such prisoner during said period. Should such prisoner, after leaving the penitentiary be arrested and convicted and sentenced to the penitentiary in this or any other state or country, the balance of the fund to his credit shall be forfeited and go into a fund created for the benefit of prisoners confined in the penitentiary and such fund shall be used for the purchase of good literature, books and periodicals and for such other purposes as may be determined by the warden.

§ 6. MERIT SYSTEM.] The warden of the penitentiary shall establish a merit system in such penitentiary, said merit system to be approved by the board of control, and when so approved, shall be posted in each cell or cage of said penitentiary. It shall be printed in legible English, and to such inmates who cannot read English, it shall be translated and explained in his or her native language. The merit system shall provide what shall constitute good and perfect conduct and what shall be deemed diligence in work or employment.

§ 7. EXTRA "GOOD TIME."] Prisoners employed outside of the penitentiary and placed on their honor shall be credited with extra good time in addition to the good time now allowed by law. Such extra good time shall not be more than equal to the good time now provided by law. The board of control may allow other prisoners extra good time, not to exceed the limits herein stated; when the warden so suggests to the board of control.

§ 8. The warden of the penitentiary may institute and maintain on the approval of the board of control, a uniform system of fines to be imposed at his discretion in place of other penalties and punishments to be deducted from the compensation or good time standing to the credit of any prisoner for the misconduct of such prisoner.

§ 9. There is hereby appropriated annually ten thousand dollars (\$10,000) out of the receipts of the twine plant

not otherwise appropriated, or so much thereof as may be necessary to carry out the provisions of this Act.

§ 10. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 11. Whereas, an emergency exists in the fact that there are no provisions now for employing convicts and compensating them for labor as a stimulus to better conduct, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1913.

PERSONAL PROPERTY

CHAPTER 218.

[S. B. No. 227—Linde.]

SALE OF PERSONAL PROPERTY AND WARRANTY THEREOF.

AN ACT Relating to the Sale of Personal Property and the Warranty Thereof; Providing for a Reasonable Time In Which to Ascertain Defects or Breaches of Warranty and the Giving of Notice of Such Defects or Breaches of Warranty.

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

§ 1. Any person, firm or corporation purchasing personal property under a written warranty shall have a reasonable time after such purchase and the delivery thereof in which to ascertain whether or not the property so sold complies with the warranty, and whether or not there are any defects or breaches of warranty, and the question of what is a reasonable time shall in all cases be a question of fact for the jury.

§ 2. Notice of any breach or warranty, or defects in personal property, sold as aforesaid, for any breach of warranty in connection with said personal property, may be given either in writing or orally to the person, firm or corporation or to their agent in this state, who negotiated the sale or who made the delivery of such personal property, or his successor.

§ 3. Any provisions in any written order or contract of sale or other contract, which is contrary to any of the provisions of this act shall be void.

Approved March 1, 1913.

CHAPTER 219.

[S. B. No. 228—Linde.]

PROHIBITING WAIVER OF CAUSE OF ACTION.

AN ACT Prohibiting the Waiver or Release of a Cause of Action Before the Same Shall Actually Have Accrued.

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

§ 1. A cause of action or a right of action arising out of the sale of personal property cannot be waived, released or barred before such cause of action has actually accrued, any terms or provisions of any contract or other written instrument to the contrary notwithstanding.

Approved March 1, 1913.

PRINTING AND PUBLISHING

CHAPTER 220.

[H. B. No. 239—Hendrickson.]

TAX LIST.

AN ACT to Amend and Re-enact Chapter 1573 of the Revised Codes of North Dakota for the year 1905, and Chapter 1574 of the Revised Codes of North Dakota for the year 1905, as Amended by Chapter 196 of the Session Laws of 1909, and Chapter 301 of the Session Laws of 1911, Relating to the time at which the Treasurer shall Return the Tax List of the Preceding year to the County Auditor and in Relation to the Auditor's Notice of Tax Sale, and Furnishing of Bonds for the Correct Printing of the Same.

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

§ 1. AMENDMENT.] Section 1573 of the Revised Codes of North Dakota for the year 1905 is hereby amended to read as follows:

§ 1573. RETURN OF TAX LIST TO COUNTY AUDITOR.] Whenever any taxes are paid the treasurer shall immediately write upon the tax list opposite the name, in suitable column or columns for remarks, the word "paid," with the number of the receipt given. And, when a receipt is given for the payment of any taxes on real property on the first Monday in October, the county treasurer shall make and deliver to the county auditor a certified list of uncollected delinquent taxes of the preceding year, giving full description of the property and name of the party to whom assessed, owned by any person who is charged with taxes on personal property for the same on any previous year which remains unpaid, he shall note the same on the tax list in like manner, and across the face of the tax receipt and duplicate, substantially in the following form:

"Personal taxes of A. B. for (giving the year or years) unpaid." And, after comparing the tax lists with his duplicate receipts on file in the county auditor's office, he shall, at the July meeting of the board of county commissioners, exhibit such lists to the board and the county auditor, and the auditor shall make the entries concerning personal taxes as prescribed by Section 1560 without regarding any payment of taxes on such real property. On the first day in December in each year the treasurer shall return the

tax lists of the preceding year to the county auditor, and thereafter any person desiring to pay his delinquent taxes charged on said lists may pay the same to the treasurer at any time before the sale of the real property charged therewith, as in this chapter prescribed, on first obtaining from the auditor a statement of the amount due, including penalties and costs of advertising.

§ 2. AMENDMENT.] Chapter 301 of the Session Laws of 1911 are hereby amended and re-enacted to read as follows:

§ 1574. AUDITOR'S NOTICE OF SALE; PUBLISHER THEREOF MUST GIVE BOND.] The county auditor, under the direction of the board of county commissioners, or a majority thereof, shall give notice of said sale in a legal newspaper in said county, having at least three hundred bona fide subscribers. In case no newspaper published in the county has three hundred bona fide subscribers, then such tax list shall be published in a legal newspaper in the county to be selected by the board of county commissioners. Each legal newspaper in said county desiring to be considered by the board of county commissioners as an applicant for the publication of the tax list of the current year, shall under oath state the average number of such paper's bona fide subscribers for the year last past, not including exchanges, free subscribers and sample copies, and shall, when requested so to do by the board of county commissioners, submit the subscription book or books of such paper to the board of county commissioners as proof of such bona fide subscription list. The newspaper in which said delinquent tax sale notice is to be printed shall be selected at the regular October meeting of each year. Said delinquent tax sale notice shall be printed for the three successive weeks immediately preceding the tax sale. If there be no newspaper printed in the county the county auditor shall give notice of such delinquent tax sale by a written or printed notice posted on the door of the court house or the building in which terms of court are usually held, or the usual place of meeting of the board of county commissioners. In case the newspaper designated to print the tax list has a daily edition, then such delinquent tax list shall be published in one issue of the daily edition and in two consecutive issues of the weekly edition of the same paper. The publisher or publishers of the newspaper selected by the board of county commissioners for the publication of said tax list shall give bond to the county in the sum to be fixed by the board of county commissioners of not less than five hundred nor more than one thousand dollars, to be approved by the board of county commis-

sioners, or a majority thereof, for the correct and legal publication of such tax list in conformity with a copy furnished by the county auditor. Said notice shall contain the information that all lands on which the taxes of the preceding year (describing the same) remaining unpaid, shall be sold and the time and place of sale shall be the second Tuesday in December following. Such notice of delinquent tax sale shall contain a list of the lands to be sold, the name of the owner, as the records appear, and the amount of taxes and penalty due to which the auditor shall add to each description of land so advertised the sum of twenty-five cents, and for each description of town lot the sum of ten cents, to defray the expenses of advertising. The cost of such advertising shall be paid by the county commissioners at the expiration of the sale upon the affidavit of the publisher; *provided*, that in no case shall the property so advertised be charged for such advertising an amount exceeding the sum actually paid for the same. To give further notice to the public of such tax sale, it shall be the duty of the county treasurer to mail to each owner, as the records appear, whose lands or lots are to be sold, a notice giving a legal description of the land offered for sale, said notice to be mailed not earlier than October first, nor later than October fifteenth, prior to date of sale. *Provided*, further, that in case the auditor's copy furnished to the publisher of the delinquent tax lists contains matter other than description of the land to be sold and total and amount due thereon, including penalty, interest and costs, which shall be printed, in one sum total, then the extra space required to print the same shall be paid for by the county at the rate required for other legal printing.

Approved March 15, 1913.

CHAPTER 221.

[H. B. No. 90—Dixon.]

PRINTING OF CONSTITUTIONAL AMENDMENTS.

AN ACT Relating to the Printing of a Proposed Constitutional Amendment.
Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Whenever required by law that ballots shall have printed thereon the full text of any proposed amendment to the Constitution, each ballot on which is printed such a proposed amendment shall have the particular new word,

words, phrase or phrases comprising such amendment emphasized as follows:

(a) In case the proposed amendment consists of the addition of new words or phrases the heading shall read:

To amend section.....of article..... of the Constitution, by adding the words (here insert the words added) so as to read as follows: (followed by the article as amended).

(b) In case the proposed amendment consists of the omission of certain words or phrases, the heading shall read:

To amend section.....of article..... of the Constitution, by omitting the words (here insert the words omitted) so as to read as follows: (followed by the article as amended).

(c) In case the proposed amendment causes a rearrangement and reconstruction of the particular article to be amended, then the heading shall state briefly the object of such amendment.

§ 2. Any advertisement relating to the proposed amendment to the constitution which is published in any newspaper or pamphlet under the authority of the Secretary of State shall also have the particular words or phrases forming the amendment printed in different type and in the same manner as provided in Section 1 of this Act.

§ 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1913.

PRIMARY ELECTION

CHAPTER 222.

[H. B. No. 209—Hoge.]

PRIMARY ELECTIONS.

AN ACT to Amend and Re-enact Sections 9 and 12 of Chapter 109 of the Laws Passed by the Tenth Legislative Assembly of the State of North Dakota and Acts Amendatory Thereto, Relating to Primary Election Ballots and Party Nominations and Repealing Chapter 212 of the Laws of 1911.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 109 of the Session Laws of North Dakota for 1907 and Acts amendatory thereto be and are hereby amended and re-enacted so as to read as follows:

§ 9. BALLOTS, FORM OF; DUTIES OF JUDGES AND INSPECTORS.] The primary election and primary election ballot shall be provided for, arranged and conducted, and all expenses paid as now provided by law for general elections, except as otherwise provided for in this Act.

There shall be separate ballots for each party or principle, and they shall all be of the same size, texture and color, except sample ballots, which shall be printed on tinted paper.

The ballot shall be entitled, "Primary Election Ballot."

The names of all aspirants for nomination of each political party or principle for the different offices shall be arranged in separate groups in their order, on separate ballots under a proper political designation, leaving one or more blank lines or spaces below each group of names on which may be written or placed a name or a printed sticker attached for the nomination of the committee. No squares shall be left at the head of the ballot.

At the head of each ballot shall be placed the title of the political party or principle that it represents.

At the left of each group shall be placed the title of the office, followed by a bracket, indicating the number of names in such group. Above each group there shall be a space, in which shall be printed the number of names in that group to be voted for as follows:

"Vote for.....name (on (or) names) only."

Immediately above the names of the candidates to be voted for shall be printed the following:

“To vote for a person whose name is printed on the ballot mark a cross (X) in the square at the right of the name of the person for whom you desire to vote.

“To vote for a person whose name is not printed on the ballot write or paste his name in the blank space provided for that purpose.”

Each ballot shall contain two columns, and each column is to have as nearly as possible the same number of names of candidates thereon, except that no groups or spaces beneath any group shall be divided, and the candidates for the various offices shall appear upon the ballot in the following order, commencing at the column to the left, viz:

Congressional:—

United States SenatorVote for one
 Representatives in Congressdistrict....Vote for . . .

State officers:—

GovernorVote for one
 Lieutenant GovernorVote for one
 Secretary of StateVote for one
 State AuditorVote for one
 State TreasurerVote for one
 Superintendent of Public InstructionVote for one
 Attorney GeneralVote for one
 Commissioner of InsuranceVote for one
 Commissioner of Agriculture and LaborVote for one
 Commissioner of RailroadsVote for three

Legislative:—

State SenatorDistrict.....Vote for one
 Member of House of Representatives.....Vote for....

County Officers:—

SheriffVote for one
 AuditorVote for one
 TreasurerVote for one
 Clerk of District CourtVote for one
 Register of DeedsVote for one
 State’s AttorneyVote for one
 County JudgeVote for one
 Superintendent of SchoolsVote for one
 Public AdministratorVote for one
 County SurveyorVote for one
 County CoronerVote for one
 County CommissionerDistrict.....Vote for . . .
 County ConstableVote for . . .

A square shall be placed following the name to the right of every candidate, and the voter shall place a cross (X) in such square following the name of each person he desires to vote for.

The judges and inspectors of election when handing a ballot to a voter shall inform him that he must vote for

the candidates of the political party such ballot represents only, and the voter shall call for the ballot representing the party or principle with which he affiliates, and he shall receive such ballot and no other.

§ 2. AMENDMENT.] That Section 12 of Chapter 109 of the laws passed by the Tenth Legislative Assembly be and is hereby amended and re-enacted so as to read as follows:

§ 12. PERCENTAGE OF VOTES REQUIRED FOR NOMINATION.] If the total vote cast for any party candidate or candidates for any office for which nominations are herein provided for shall equal less than 25 per cent of the average total number of votes cast for governor, secretary of state and attorney general of the political party he or they represented at the last general election then no nomination shall be made in that party for such office, but if 25 per cent or more of such party vote is cast and there is more than one candidate for any such office the person receiving the highest number of votes shall be declared the nominee of such party for such office, *provided*, further, that where there is more than one person to be elected to the same office the persons to the number to be elected receiving the highest number of votes cast for such office shall be declared the nominees of the party for such offices.

§ 3. REPEAL.] That Chapter 212 of the laws passed by the 12th Legislative Assembly be and the same are hereby repealed.

Approved March 12, 1913.

CHAPTER 223.

[H. B. No. 389—Twichell.]

PRIMARY ELECTIONS.

AN ACT to Amend and Re-enact Section 5 of Chapter 109 of the Laws of 1907, Relating to Primary Elections.

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

§ 1. That Section 5 of Chapter 109 of the Laws of North Dakota of 1907 be amended and re-enacted to read as follows:

§ 5. NAMES ON PRIMARY BALLOT, HOW SECURED. VACANCIES, HOW FILLED.] Applications to have a name placed on the primary election ballots for nomination may be made by five qualified electors for any office designated in this Act, by presenting the petition required in Sections 3 or 4 to the proper official, and paying the amount required, accompanied by the following affidavit:

"State of North Dakota, |
County of..... | ss.

"I, A....., B....., C....., D....., and E....., being duly sworn, each for himself, deposes and says that he is a qualified voter in the state of North Dakota, that he hereby makes application to have the name of..... printed on the primary election ballot of the..... party for the office of....., to be voted for at the primary election to be held on the..... day of19...; that said..... is, to the best of his knowledge, information and belief, aand a qualified voter and eligible to hold the office of..... under the constitution.

.....
.....
.....
.....
.....

"Subscribed and sworn to before me this..... day of19...

.....
Notary Public, North Dakota."

When such application is received by the proper officer, accompanied by the necessary fee, as required in Sections 3 and 4 of this Act, he shall place the name on the primary election ballot as a candidate of the party named in said petition; *provided*, that such affidavit and petition shall not be filed without the written consent of such person to be nominated endorsed thereon; and *provided*, further, that when the time has expired at which a petition may be filed, and a vacancy exists in the primary election ballot of any political party by reason of no petition having been filed for such nomination, then and in that case the same may be filed by affidavit and petition as provided in this Section, on the payment of one-half of the usual fee, and such affidavit and petition must be filed with the proper officers at least twenty-five days before the primary election; and *provided*, further, that no petition shall be circulated or signed more than ninety days previous to the time when any petition is required to be filed as herein provided for, and any signatures to a petition secured prior to ninety days shall not be counted.

Approved March 12, 1913.

PROHIBITION

CHAPTER 224.

[S. B. No. 328—Garden.]

INTOXICATING LIQUORS, DRUGS, ETC., PROHIBITED PENAL AND CHARITABLE INSTITUTIONS.

AN ACT to Amend Chapter 229 of the Laws of 1911, Prohibiting the Introduction of Intoxicating Liquors, Narcotics, or Other Habit-Forming Drugs Into Any of the Buildings or Upon the Premises of Any of the Penal or Charitable Institutions of the State, or of Any County, City or Village in the State.

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

§ 1. AMENDMENT.] Chapter 229 of the Laws of 1911 is hereby amended and re-enacted to read as follows:

CHAPTER 229. SECTION 1.] Every person, who shall take, send, or introduce any intoxicating liquor, narcotic, or other habit-forming drug of any kind into any of the buildings, or upon any of the premises of the State Hospital for the Insane, Feeble Minded Institute, School for Deaf and Dumb, School for the Blind, Reform School, State Penitentiary, or other penal or charitable institutions of the state, or any county, city or village jail, or any other penal or charitable institution of any county, city, or village of the state, except upon the express authority of the physician or chief executive officer of such institution, given in writing, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

Approved March 10, 1913.

CHAPTER 225.

[H. B. No. 288—Moen.]

ENFORCEMENT, PROHIBITION LAW.

AN ACT Providing for the Inspection of Freight and Express Books and Records by the State's Attorney and the Attorney General or His Assistants in the Enforcement of the Prohibition Law.

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

1. That all freight and express books and records of any railroad or express company doing business within this state shall be open to the inspection by the state's attorney of the various counties, and the attorney general, or his assistants, wherein such railroad or express company maintains agents or stations during regular business hours

for the purpose of inspection by the state's attorney, to aid in the enforcement of Article 20, Section 217, of the Constitution of the state of North Dakota, and the statutes passed in support of said Section, commonly known as the prohibition law.

2. EMERGENCY.] Whereas, an emergency exists in that there is no convenient way for said inspection by the various state's attorneys, it is hereby declared that this Act shall be in force and effect upon its passage and approval.

Approved March 12, 1913.

PUBLICITY PAMPHLET

CHAPTER 226.

[H. B. No. 319—Bass.]

PUBLICITY PAMPHLET.

AN ACT to Amend Section 3 of Chapter 129 of the Session Laws of 1911, Relating to Rates for State Officers in the Publicity Pamphlet.

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

§ 1. AMENDMENT.] Section 3, of Chapter 129, of the Session Laws of 1911 is hereby amended to read as follows:

§ 3. RATES.] Candidates for nomination shall pay for one page of space in the publication herein provided for as follows: For office of United States senator, one hundred dollars; for representatives in congress, one hundred dollars; for justice of the supreme court, seventy-five dollars; for governor, one hundred dollars; for secretary of state, one hundred dollars; for state treasurer, one hundred dollars; for state auditor, one hundred dollars; commissioner of insurance, superintendent of public instruction, attorney general and commissioner of labor, each seventy-five dollars; for railroad commissioner and lieutenant governor, twenty-five dollars; for senator or representative in the legislative assembly, ten dollars; for district judge, fifty dollars; for county judge, register of deeds, county auditor, county treasurer, state's attorney, sheriff, clerk of court, and county school superintendent, each twenty-five dollars. All payments required by this Section shall be made to the secretary of state when the statement is offered to him for filing, and be by him paid into the general fund of the state treasury. Any candidates for state offices may have additional space, not exceeding three pages, at the rate of one hundred dollars a page, and any candidate for county or legislative office may have additional space, not exceeding two pages, at the rate of twenty-five dollars (\$25.00) a page.

Approved March 12, 1913.

CHAPTER 227.

[S. B. No. 246—Talcott.]

ELECTION PRIVILEGES.

AN ACT to Amend and Re-enact Sections 2 and 4, Chapter 129, Session Laws of 1911 Relating to Election Privileges.

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

§ 1. Section 2 of Chapter 129, Session Laws of 1911 is hereby amended and re-enacted to read as follows:

§ 2. PUBLICITY PAMPHLET. CANDIDATES' STATEMENTS.] Any candidate for nomination to any state or district office, when the district is composed of one or more counties, may file with the secretary of state for publication as herein provided, not later than fifty (50) days before the biennial primary nominating election, with his portrait cut if he wishes, a printed or typewritten statement, on the conditions set forth, over his signature, stating the reasons why he should be nominated.

Each candidate shall be allowed one (1) page of printed matter, and those opposing him shall be each allowed one page of space on equal terms with him, as herein provided.

§ 2. Section 4 of Chapter 129, Session Laws of 1911 is hereby amended and re-enacted to read as follows:

§ 4. PRINTING STATEMENTS.] Not later than forty days before the primary nominating election the secretary of state shall properly complete, edit, prepare, and index for printing all of such statements and portrait cuts and cause the same to be printed in pamphlet form, printing and pictures of candidates with and as a part of their several statements, where such portrait cuts are offered; statements of those who directly oppose any candidate shall follow next after his statement. All of the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which the candidates' names are grouped under the title of their offices on the official ballot at the nominating election. No picture, statement or argument for or against any candidate for nomination shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for. The said pamphlets shall be printed and delivered to the secretary of state as quickly as possible and the delivery shall be completed not later than twenty (20) days before the nominating election.

§ 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1913.

PUBLIC DRINKING CUPS

CHAPTER 228.

[S. B. No. 33—Gronvold.]

PROHIBITING PUBLIC DRINKING CUPS.

AN ACT to Prohibit the Use of Public Drinking Cups in the State of North Dakota.

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

§ 1. The use of public drinking cups on railroad trains, in railroad stations, in the public, parochial, or private schools, and other educational institutions and other public buildings of the State of North Dakota, is hereby prohibited from and after September 1, 1913.

§ 2. No person or corporation in charge of any railroad train or station, no school board, board of education, town board of school directors, or board of trustees of any public, parochial, or private school or educational institutions and other public buildings shall furnish any drinking cups for public use, and no person or corporation shall permit upon said railroad trains or in station, or at any said public, parochial, or private school, or educational institution, the common use of drinking cups.

§ 3. Whosoever violates the provisions of this act shall be deemed guilty of misdemeanor and shall be liable to a fine not to exceed twenty-five dollars for each offense.

Approved March 1, 1913.

PURE SEED

CHAPTER 229.

[S. B. No. 31—McLean.]

PURE SEEDS.

AN ACT to Amend Section 3 of Chapter 209 of the Session Laws of 1909, Relating to the Selling, Offering or Exposure of Seed for Sale.

PARTIAL VETO.

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

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 31, An Act to amend Section 3 of Chapter 209 of the Session Laws of 1909, relating to the selling, offering or exposure of seed for sale, with my approval except as to the item in Section or Article 6, appropriating \$2,500.00 annually to the pure seed laboratory for furtherance of the work under this Act.

This item 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.

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

AMENDMENT.] Section 3 of Chapter 209 of the Session Laws of 1909, enacted by the eleventh legislative assembly of the state of North Dakota is hereby amended so as to read as follows:

§ 3. SEEDS, FEEDS AND FORAGE STUFFS, THE SALE OF WHICH ARE FORBIDDEN OR UNLAWFUL.] (1) Seeds Prohibited. No person, firm or corporation shall sell, offer or expose for sale or for distribution in the state any agricultural or garden seeds, excepting only garden seeds in a packet or package of one pound or less, which contain any of the seeds of couch or quack grass, canada thistle, sow thistle or dodder.

(2) SEEDS, UNLAWFUL.] The sale of agricultural or garden seeds under special or written guarantee, as pure seeds for sowing or planting purposes, containing seeds of

any kind or kinds, in greater numbers than a total of twenty (20) per pound in flax, cereals or other seeds of like size, or a total of one hundred (100) such foreign seeds per ounce in seeds of smaller type such as alfalfa, grasses or clovers is unlawful.

(3) SEEDS WHICH MUST BE LABELLED "UNCLEANED."] The sale or exposure for sale of agricultural or garden seeds containing more than a reasonable trace of any foreign seeds whether of other cultivated varieties or of noxious weeds such as greater ragweed, corn flower, marsh elder, russian pigweed, dandeloin, chicory, russian thistles, plantain, buck plantain, bracted plantain, white cockle, night-flowering catchfly, pink cockle, corn cockle, cow cockle, curled dock, sorrel, sheep-sorrel, purslane, bindwood, wild buckwheat, wild onion, wild oats, holy grass, cress, mustard, tumbling mustard, hare's ear mustard, pennycress, peper grass, shepherd's purse, false flax, bird's foot trefoil, yellow trefoil, bur clover, ergot or of the seeds of any other noxious weeds is unlawful, except such seeds be plainly labeled in English "Uncleaned Seeds" as further provided in Section 6 of Chapter 209 of the Session Laws of 1909.

(4) MINIMUM GERMINATION.] The minimum gemination of agricultural and garden seeds except only the seeds of parsnip, salsify, spinach, lettuce, parsley, medicinal herbs and the seeds of plants grown for flowers only, which may be sold and distributed in the state of North Dakota as seed for sowing or planting purposes shall be sixty per cent (60%) of actual viability. All seeds of lower viability than the minimum hereby established shall be classed as seeds for "food, forage or manufacturing purposes" as provided in Section six (6) of Chapter 209 of the Session Laws of 1909. Any grower or seedsmen may guarantee the approximate viability of any brand, bulk, bag or package of seed that he may place upon the market.

(5) SEEDS, CERTIFIED.] On and after July 1, 1913, the state seed commissioner shall cause to be examined the crop of stock of seed of all persons within the state of North Dakota who claim to be growers of pedigreed or improved seeds of any variety of agricultural or garden seeds. There shall also be kept in the office of the state seed commissioner a record of all growers of standard pedigreed seed and on or before March 1st of each year the state seed commissioner shall publish a list of all such growers and dealers who may have acquired by purchase any such properly certified seeds, which list shall be sent to any resident of the state of North Dakota upon application. He shall also, under such rules and regulations as he

may prescribe issue to each grower a certificate of the grade of purity and viability of the crops or seeds examined, and each certificate shall show the amount of seed which may be sold under said certificate. All such certified, pedigreed or improved seed if sold as seed for sowing or planting purposes shall be labelled so as to show the certificate number and conform to the requirements of the other Sections of the pure seed law. The state seed commissioner may, for cause, upon due notification, revoke any certificate so issued and no new certificate shall be issued to said holder during the period of one full year following the date of the cancellation of his certificate. For each certificate so issued there shall be paid to the treasurer of the agricultural college the sum of two (2) dollars, and at the end of each month shall be paid into the state treasury. All funds so collected shall be expended under requisition by the state seed commissioner for the aid and furtherance of the work of inspection and analysis necessary to the issuing of these certificates and keeping of the records specified in this clause.

“Pedigreed Seed” is hereby defined as seed of only one variety dating in history to a selected individual parent plant. “Improvd Seed” is hereby defined as seed of only one variety of sufficient purity and viability to meet the requirements of the state seed laws as seed for sowing or planting purposes.

(6) APPROPRIATION.] There is hereby annually appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$2,500.00 in addition to that already annually appropriated to the pure seed laboratory for the furtherance of the work authorized in the pure seed law and for the further equipment of the pure seed laboratory for field inspection, germination tests and analysis of seed and forage stuffs as specified in this Act, and for aid in publishing such reports and information as shall best further the culture and distribution of seeds of high grade and quality within the state, said payments to be made in four quarterly installments to the treasurer of the North Dakota Agricultural College Experiment Station at Fargo, on the first days of July, October, January and April, and the state auditor is hereby authorized and directed to draw his orders for such payments.

Approved March 21, 1913.

RAILROADS

CHAPTER 230.

[S. B. No. 52—Bronson.]

RAILROADS, CLEARANCE OF OBSTRUCTIONS.

AN ACT Concerning Railroads, Regulating the Size of Engines, Motors and Cars, and also the Clearance of Obstructions Thereon.

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

§ 1. **TO WHOM APPLICABLE.]** That the provisions of this Act shall apply to any railroad corporation or to any person or persons while engaged as common carriers in the transportation by railroad of passengers or property within the state, to which the regulative power of this state extends.

§ 2. **WHEN TO TAKE EFFECT, SIZE OF ENGINES, MOTORS AND CARS, AND WHAT EXEMPT.]** That on and after the first day of January, 1915, it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its lines, any engine, motor or car used in commerce to which this Act applies or to which the regulative power of this state extends, which shall exceed a maximum width of ten feet and six inches over all its widest outside dimension, or which shall exceed a maximum height of fourteen feet and two inches, measured from the top of the track rail to the top of the car loaded or empty without extending the clearance as provided for in Section 3 of this Act in the same proportion, unless authorized by the railroad commissioners; and the provisions of this Section shall not apply to the loaded contents of open flat cars and cars without roofs and foreign cars, wrecking cars, snow plows, pile drivers and caboose cupolas. *Provided*, however, this shall not apply to rolling stock now in service.

§ 3. **CLEARANCE REQUIRED.]** That on or after the first day of January, 1915, it shall be unlawful for any such common carrier to erect or maintain on any standard gauge road on its line or on any standard gauge side track used in connection therewith, for use in any traffic mentioned in Section 1 of this Act, any coal chute, stock pen, pole, mail crane, stand pipe, hog drencher, embankment of earth or natural rock, or any fixed or permanent structure or obstruction upon its line of railroad, or on any side track used in con-

nection therewith at a distance less than eight feet, measured from the center line of track, which said structure or obstruction adjoins on standard gauge roads; nor shall any overhead wires, bridges, viaducts or other obstructions passing over and above its tracks, as aforesaid, be maintained at a less height than twenty-one feet, measured from the top of the track rail; *provided*, that station freight house platforms which have a vertical height of not more than four feet, measured from the top of the track rail, may be erected and maintained at a less distance from the center of the track which they adjoin than herein specified. *Provided*, further, that this Act shall not apply to any warehouse, storehouse, elevator or other permanent structure now situated or located upon the right of way of any railroad in this state, which is leased, owned or used by any person or corporation doing business with any railroad, or any railroad terminal or yard now established. And *provided*, further, that this Act shall not apply to loading platforms erected at sidings or stations between terminals now in use.

§ 4. REPORT OF OBSTRUCTIONS. HOW MADE.] That on or before the first day of January, 1914, every common carrier subject to the provisions of this Act, shall report to said railroad commission the number of coal chutes, bins, stock chutes, stand pipes, hog drenchers, embankments of earth or natural rock or other fixed and permanent structure or obstruction overhead or otherwise upon its line of railroad that do not conform with the minimum clearance line specified in Sections 2 and 3 of this Act, giving exact location and kind of such structures and the material used in their construction; also the reason, if any, why such structures, or any of them, should not be made to conform to the clearance established by this Act; and the said railroad commission is hereby authorized, after a thorough investigation, to exempt from the provisions of this Act any warehouse, storehouse, permanent structure, elevator, loading or unloading platform, bridge, tunnel, retaining wall of masonry, embankment of earth, natural rock or permanent overhead structure or any obstruction erected or established prior to the passage of this Act, that is in closer proximity to the tracks of such carrier than minimum side and top clearance specified by this Act.

§ 5. DISTANCE BETWEEN TRACTS.] That on and after the first day of January, 1915, it shall be unlawful for any such common carrier to construct any track used for the purpose of switching or moving any cars engaged in the movement of traffic within the

regulative power of this state, where the center line of such track is at a distance of less than 13 feet from the center line of any other parallel track which it adjoins; *provided*, that the distance between said tracks specified in this section may be diminished or closed up a necessary distance from track intersections, turnouts and switch points.

§ 6. OBSTRUCTIONS TO BE REMOVED.] It shall be unlawful for any such common carrier to permit the space between such of its tracks as are ordinarily used by yard men and their employees in the discharge of their duties, to become or remain obstructed by any obstacle that will interfere with the work of said employees or subject such employees to unnecessary hazard. Such space between said tracks as aforesaid, and between the rails of said track must be kept in such condition as to permit said employees to pass safely over and between said tracks or to use the same day or night and under all weather conditions, without unnecessary hazard.

§ 7. PENALTY.] That any common carrier subject to the provisions of this Act violating any of the provisions thereof, shall be liable to a penalty of \$100.00 for each and any such violation; and each day that any locomotive engine or car is operated or used, or structure or obstruction is maintained in violation of this Act, shall constitute a separate offense; such penalty to be recovered in a suit or suits to be brought by the state's attorney in the district court having jurisdiction in the locality where such violation shall have been committed, and it shall be the duty of said state's attorney under the direction of the railroad commission to bring such suits upon duly verified information being lodged with him by any person of such violation being committed, and it shall also be the duty of such railroad commission to lodge with such state's attorney information of any such violation as may come to its knowledge.

§ 8. CONTRIBUTORY NEGLIGENCE CANNOT BE CHARGED.] That any employee of such common carrier who, while in the performance of his duty and while engaged in any commerce mentioned, subject to the regulative power of this Act in Section 1, may be injured or killed by any locomotive, car, structure or obstruction used or retained contrary to the provisions of this Act, shall not be deemed to have assumed the risk thereby occasioned or to have been guilty of contributory negligence, although the employee continued in the employ of such common carrier after the unlawful use of such locomotive, car, permanent overhead structure, or obstruction, of any kind or character mentioned

in this Act shall have been brought to his knowledge; and the retention under the exemption authorized in Section 4 of this Act shall be at the sole risk of the carrier, and the permission granted in this Act to the carrier to construct station or freight house platforms four feet high measured from the top of the track rail and near to the center line of the track or tracks as provided in Section 3 of this Act, shall be at the sole risk of carrier, as aforesaid in this section.

Approved March 12, 1913.

CHAPTER 231.

[H. B. No. 459—Twichell.]

SWEEPING PASSENGER COACHES.

AN ACT Regulating the Sweeping of Railway Coaches or Cars While Occupied by Passengers, and Providing a Penalty Therefor.

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

§ 1. The sweeping of railroad coaches or cars while occupied by passengers, except such sweeping be done with a vacuum cleaner, or other similar device, or except when the floor of such car shall previously have been thoroughly moistened with water or oil, or by the use of sufficient sweeping compound to keep down the dust, is hereby prohibited.

§ 2. Any person or corporation violating the provisions of this Act shall be punishable by a fine not exceeding twenty-five dollars.

Approved March 13, 1913.

CHAPTER 232.

[H. B. No. 80—Sorlie.]

SANITARY REGULATIONS FOR RAILROAD STATIONS.

AN ACT Providing Closets or Privies for the Accommodation of the Public at Railroad Stations, and Keeping Them and the Waiting Room in a Sanitary Condition, and Penalty for Violation Thereof, and Repealing Chapter 238 of the Session Laws of 1911.

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

§ 1. CLOSETS, WHERE PROVIDED.] All railroad companies operating railroads in North Dakota shall provide and maintain at any and all railroad stations in the state where

passengers' tickets are sold, within reasonable access of the depot, a water closet, earth closet, or privy for the accommodation of railroad employees and the traveling public, or where a sewerage system is maintained within three hundred feet of such station waiting room then and in that case the water closet shall be within the station house. Entirely separate compartments for men and women shall be provided. The water closet, earth closet or privy for males shall also have urinals arranged with conduits of galvanized iron, or other impervious material, draining into a sewer, vault, or other suitable place which will prevent the creation of a nuisance.

§ 2. AUTHORITY TO INSPECT.] The board of railroad commissioners of the state, or the local health officer, or health commissioner of the township, incorporated village or city in which the depot is located shall have authority to inspect such water closets, earth closets, or privies from time to time, and if they are found to be in an unsanitary condition he or they shall notify the proper officials of the railroad company, stating in what respect such water closets, earth closets, or privies are unsanitary, and it shall be the duty of the railroad company within a reasonable time to make such alterations or repairs as will remove the unsanitary conditions complained of.

§ 3. WAITING ROOMS, HOW AND WHEN CLEANED.] The waiting rooms at the railroad stations in this state shall be scrubbed or washed at least once a week with some standard disinfectant, and such waiting rooms shall at all times be maintained in a comfortable and sanitary condition.

§ 4. REPEAL.] Chapter 238 of the Session Laws of 1911 is hereby repealed.

§ 5. PENALTY.] Any person, firm, or corporation failing to comply with the provisions of this act shall upon conviction be punished by a fine of not less than twenty dollars or more than one hundred dollars.

Approved Februray 25, 1913.

CHAPTER 233.

[S. B. No. 88—McBride.]

HEADLIGHTS ON LOCOMOTIVES.

AN ACT to Promote the Safety of Employees and Travelers Upon Railroads by Compelling Common Carriers Engaged in the Transportation of Passengers or Property in This State to Equip Locomotives with Headlights of Not Less Than Twelve Hundred Candle Power, and to Provide a Penalty for the Violation of the Same.

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

§ 1. RAILROADS. EMPLOYES, WHO?] The provisions of this act shall apply to any common carrier or carriers, their officers, agents and employees engaged in the transportation of passengers or property by a railroad in the state of North Dakota. The term "railroad" as used in this Act shall include all roads in use by common carriers operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this act, shall be held to mean persons who are engaged in, or connected with the movement of any trains. *Provided*, however, that in passing through or working within the yard limits of any station or terminal a light of lesser candlepower may be used.

§ 2. STEAM LOCOMOTIVES. HEADLIGHTS.] That from and after the first day of July, 1914, it shall be unlawful for a common carrier, its officers and agents subject to this act, to use any locomotive engine propelled by steam in moving traffic, or in the transportation of passengers or property within this state in main line service, between the hours of sunset and sunrise, unless said locomotive engine shall be equipped with a headlight or at least 1,200 candle power of light, when measured without the aid of a reflector. *Provided*, however, that in passing through or working within the yard limits of any station or terminal a light of lesser candle power may be used. *Provided*, however, that said common carrier may use its switch engines, for switching purposes only, without having provided the same with a headlight as herein required, if said carrier shall so determine. *Provided*, that this act shall not apply to any engine, the equipment of which shall have failed during the trip, if it is shown that the equipment was in efficient and effective working condition when the trip was begun.

§ 3. PENALTY.] That any common carrier or carriers violating this Act, or any provision thereof, shall be liable to a penalty of \$100.00 for each and every such violation, to be recovered in a suit to be brought by the Attorney Gen-

eral of the state of North Dakota; and it shall be the duty of such attorney general to bring suit upon duly verified information being lodged with him that such violation have occurred.

§ 4. CUMULATIVE. NO REPEAL.] Nothing in this chapter contained shall in any maner be construed as repealing, on (or) in any manner altering any other act or part of acts heretofore adopted by the legislature of this state; by the remedies herein provided shall be cumulative and in addition to all other requirements now existing in relation thereto.

Approved March 12, 1913.

CHAPTER 234.

[S. B. No. 161—McDowell.]

COOPERAGE OF CARS.

AN ACT Requiring Railroad Companies to Line and Cooper Cars Tendered to Grain Shippers and Shippers of Flour and Flour Mill Products, or to Reimburse Shippers Therefor.

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

§ 1. Every railroad corporation or common carrier doing business in this state shall when requested by any shipper of wheat, flax or other grain, flour or flour mill products, furnish to such shipper a box car or box cars properly lined or coopered for receiving and containing the kind of grain flour or flour mill products sought to be shipped and if such railroad, railroad corporation or common carrier shall furnish any car not so lined or coopered to such shipper and shall fail to prepare and put in readiness such car within four hours after notice by such shipper to its agent at point of shipment that such car is not in proper condition such shipper may repair such car at his own expense and recover such sum so expended in a civil action against such railroad corporation or common carrier.

§ 2. EMERGENCY.] Whereas an emergency exists in that many cars of grain will be shipped before the first of July 1913 many such cars may require such repairs, therefore this act shall go into effect upon its passage and approval.

Approved March 12, 1913.

CHAPTER 235.

[S. B. No. 270—Bond.]

STORAGE, UNCLAIMED MERCHANDICE.

AN ACT to Amend Section 2272 of the Revised Codes of the State of North Dakota for the Year 1905, Relating to the Storage of Unclaimed Goods, Wares and Merchandise Carried by Railroads and Transportation Companies.

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

§ 1. That Section 2272 of the Revised Codes of the State of North Dakota for 1905 is hereby amended to read as follows:

§ 2272. TO WHOM APPLIED.] This article shall not be construed to apply to any implement transfer company, or to any railroad or transportation company; *provided*, such railroad or transportation company shall, within forty-eight hours after receipt of such goods, wares and merchandise, notify the consignee of the arrival thereof in writing, and in case such consignee, or his assigns, fails and neglects to call for or receive said goods, wares or merchandise within thirty days after such receipt of same by any railroad or transportation company as aforesaid, said railroad or transportation company must then turn over said goods, wares or merchandise to a licensed bonded storage company or warehouseman in the city, town or village in which said goods, wares or merchandise are then located, if any there be, and if not, to the licensed bonded storage company or warehouseman in the city, town or village on the line of the carrier nearest to the place where such goods, wares or merchandise are then located, upon the payment of the charges of said carrier thereon, which charges thus paid by said bonded storage company or warehouseman to said carriers shall be a lien on said goods, wares or merchandise.

§ 2. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

§ 3. Whereas, an emergency exists at the present time, in that the goods are now shipped for storage at Grand Forks and Minneapolis, and the owner thereof on making claim is compelled to pay freight from that point to destination, this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1913.

RAILROAD COMMISSIONERS

CHAPTER 236.

[S. B. No. 358—Plain and Duncan.]

UNIFORM ACCOUNTING.

AN ACT for an Act to Require the Railroad Commission to Formulate a Uniform System of Accounting for Public Elevators and Warehouses and to Provide for the Examination of the Accounts of Such Elevators and Warehouses When Requested by Not Less Than 15 Per Cent of the Stockholders Thereof, and Prescribing Fees Therefor, and Amending Chapter 251 of the Session Laws of 1911, Relating to the Filing of Bonds by Public Warehouses.

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

§ 1. RAILROAD COMMISSION TO FORMULATE A SYSTEM OF UNIFORM ACCOUNTING.] It shall be the duty of the railroad commission of this state to plan and formulate a uniform system of accounting for public elevators and warehouses defined in Section 2244 of the Revised Codes for 1905. To formulate such system of accounting the commission may employ one or more expert accountants, who shall receive a compensation for their services to be determined by the commission. When a uniform system of accounting has been formulated, as herein provided for, the railroad commission shall recommend the adoption of such system of accounting to every firm, association, co-partnership or corporation conducting a public elevator or warehouse in this state, as defined in Section 2244 of the Revised Codes for 1905.

§ 2. EXAMINATION.] The railroad commission may and whenever requested by not less than 15 per cent of the stockholders of any association, co-partnership, firm or corporation conducting such public elevator or warehouse, the railroad commission shall install such uniform system of accounting, and on request of the percentage of stock holders as before required shall send a competent examiner to examine the books and financial accounts of such elevator or warehouse. Whenever a request for the examination of the financial accounts of any association, co-partnership, firm or corporation has been made to the railroad commission, as provided herein, an examination shall thereafter be made at least once every year until the board of railroad commissioners shall be requested to discontinue such examination

by resolution adopted by the stockholders at any annual meeting. When such examination has been made the examiner shall immediately report the result thereof to the president and secretary of such association, co-partnership, firm or corporation and to the railroad commission.

§ 3. CERTIFICATE.] If the board of railroad commissioners is satisfied from such examination that such person, association, co-partnership, or corporation is solvent and its method of doing business is such as is likely to be beneficial to all of its members or persons interested therein the board shall issue a certificate, countersigned by the examiner, to the agent or manager, which certificate shall be kept posted conspicuously in the warehouse or elevator of such person, association, co-partnership, or corporation stating that said methods of doing business are sound and that such person, association, co-partnership, or corporation is solvent, and that its books and accounts are properly kept. If the affairs and methods of doing business of such person, association, co-partnership, or corporation shall not seem sound or satisfactory to the board of railroad commissioners the board shall issue a certificate or statement, countersigned by the person who made the examination, stating in what particular and in what respects the business methods practiced or methods of keeping books and accounts of such person, association, co-partnership or corporation are not deemed safe. The said board shall mail a copy of said statement or certificate to each of such shareholders or stockholders as may have requested said board to make such examination. The board shall also send a copy thereof to the president and secretary of such association, co-partnership or corporation.

§ 4. PENALTY FOR INTERFERING WITH EXAMINER.] Any person who interferes with such examination (examiner) in the performance of his duty shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

§ 5. FEES.] For making such installation and examination such firm, association, co-partnership or corporation shall pay this examiner a fee of five dollars (\$5) per day for each day, or fraction thereof, that the examiner is absent from the capitol for the purpose of making such examination, plus his actual travelling and hotel expenses, together with the actual cost of such books and blanks as may be necessary for the installation of a complete system of uniform accounting; such fees shall be paid into the state

treasury and used for the purpose of paying the expenses incurred under the provisions of this Act. Such expenses shall be audited and paid in the same manner as other expenses are audited and paid.

§ 6. AMENDMENT.] That Chapter 251 of the Session Laws of 1911 be amended to read as follows:

§ 2247. BOND TO BE FILED.] The proprietor, lessee, or manager of any public warehouse, elevator or flour mill, or any individual buying or shipping grain for profit in this state, and who does not pay cash in advance for the grain so bought shall file with the commissioner of railroads a bond to the state with good and sufficient sureties to be approved by such commissioners in the penal sum of not less than five thousand nor more than seventy-five thousand dollars, in the discretion of the commissioners conditioned for the faithful performance of their duties as public warehousemen, and the compliance with all the laws of this state in relation thereto. One bond only need be given for any line of elevators, mills or warehouses owned, controlled or operated by one individual, firm or corporation. Such bond, specifying the location of each elevator, mill or warehouse operated by such individual, firm or corporation, shall be in sufficient amount to protect the holders of outstanding tickets.

§ 7. EMERGENCY.] An emergency is hereby declared to exist in this, that there is now no provision made for the examination of the accounts of public warehouses in this state, and this Act shall take effect immediately after its passage and approval.

Approved March 13, 1913.

CHAPTER 237.

[S. B. No. 207—Kretschmar.]

LICENSING RAILROAD TICKET AGENTS.

AN ACT to Amend Section 4309, Article 6, Chapter 12, of the Revised Codes of North Dakota for 1905, Relating to the Licensing of Railroad and Steamboat Ticket Agents.

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

§ 1. AMENDMENT.] Section 4309 of the Revised Codes of 1905, is hereby amended and re-enacted so as to read as follows:

§ 4309. AGENTS TO OBTAIN STATE LICENSE. FEE.] It shall be the duty of the owners of any railroad or steamboat for

transportation of passengers, to provide each agent who may be authorized to sell within the state tickets or other evidence thereof entitling the holder thereof to travel upon his or their railroad or steamboat, with certificate setting forth the authority of such agent to make such sales, which certificate shall be duly attested by the corporate seal of any corporate owner of such railroad or steamboat, and shall for the information of travelers be kept in a conspicuous place in the office of such agent. After issue of such certificate as aforesaid, such agent or a superintendent or general officer of such owners shall within ten days thereafter exhibit the same to the Board of Railroad Commissioners of the State of North Dakota, and at the same time shall pay to said Board of Railroad Commissioners a license fee of five dollars, which fee shall be turned over to the State Treasurer monthly, whereupon said Board of Railroad Commissioners shall issue to such agents so presenting said certificate a license under the seal of the Board of Railroad Commissioners of the State of North Dakota, authorizing such agent to engage in the business of selling transportation tickets of said common carrier, and said license so issued to such agent by said Board of Railroad Commissioners shall also be kept posted in a conspicuous place in the office of such agent, for the information of travelers and of the public. Whenever any agent so authorized as aforesaid shall by death, resignation or otherwise cease to be such agent, his successor, appointed by the railroad or steamboat company, or the owner or owners thereof, shall be authorized to sell tickets for said company and act as the agent thereof under the provisions of this article.

Approved March 1, 1913.

CHAPTER 238.

[S. B. No. 36—Loftsgaard.]

DUTIES OF COMMON CARRIERS.

AN ACT to Amend Section 4331 of the Revised Codes of North Dakota of 1905, Relating to the Operation of Railroads in This State, Receiving and Transporting Passengers and Property.

Whereas, Section 2261 of the Revised Codes of North Dakota of 1905 confers upon the commissioners of railroads the right to require railroad companies to construct and maintain a side track for the use of

shippers between regular stations, where such stations are ten miles or more apart; and,
Whereas, The last clause of Section 4331 of the Revised Codes of North Dakota of 1905 is in apparent conflict with said Section 2261; now, therefore,

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

§ 1. AMENDMENT.] That Section 4331 of the Revised Codes of North Dakota of the year 1905 be, and the same is hereby amended to read as follows:

§ 4331. SHALL FURNISH, START AND RUN CARS WITHOUT DELAY.] Every common carrier operating a railway in this state shall without unreasonable delay furnish, start and run cars for the transportation of persons and property, which within a reasonable time theretofore is offered for transportation at any of its stations on its line of road and at the junctions of other railroads and at such stopping places as may be established for receiving and discharging passengers and freights; and shall take, receive, transport and discharge such passengers and property at, from and to such stations, junctions and places on and from all trains advertised to stop at the same for passengers and freight respectively, upon the due payment or tender of payment of tolls, freight or fare therefor, if such payment is demanded.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act, except Section 2261 of said Revised Codes, are hereby expressly repealed.

§ 3. EMERGENCY CLAUSE.] Whereas, an emergency exists in this, that by reason of such apparent conflict between sections above mentioned, uncertainty exists as to the rights of shippers, railroad companies, and the board of railroad commissioners, with reference thereto, this act is to take effect and be in force from and after the date of its passage and approval.

Approved February 19, 1913.

CHAPTER 239.

[S. B. No. 212—Englund.]

STORAGE COMPANIES.

AN ACT to Amend and Re-enact Sections 2262, 2263 and 2264, Article 47, Chapter 24, of the Revised Codes of 1905, Relating to the Licensing and Bonding of Storage Companies.

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

§ 1. AMENDMENT.] Sections 2262, 2263 and 2264, Article 47, Chapter 24 of the Revised Codes of 1905, are hereby

amended and re-enacted to read as follows:

§ 2262. LICENSE KEEPERS OF PUBLIC WAREHOUSES.] The board of railroad commissioners may license any suitable person, persons, or corporations established under the laws of this state, and having their place or places of business within this state, to carry on business of public storage companies or public warehousemen, who may keep and maintain public warehouses for the storage of goods, wares and merchandise, etc., excepting grain in bulk. Said license may be obtained upon the payment annually into the treasury of the state of the sum of ten dollars, to be credited to the general fund of the state.

§ 2263. BONDS.] Each person or corporation licensed under Section 2262 shall give a bond to the Treasurer of the State, in the penal sum of five thousand dollars, with good and sufficient sureties to be approved by the board of railroad commissioners, for the faithful discharge of the duties of a public warehouseman.

§ 2264. SUBJECT TO ACTION IN NAME OF STATE.] When any one licensed to do business as a public storage company or as a public warehouseman fails to perform his duty, or violates any of the provisions of this Article, any person, persons or corporation injured by such failure or violation may, with the consent of the board of railroad commissioners and the Attorney General, bring an action in the name of the state, but to his or their own use, in any court of competent jurisdiction, on the bond of such company or warehouseman. In such action the person, persons or corporation in whose behalf the action is brought shall file with the court as satisfactory bond for costs, and the state shall not be liable for any costs.

Approved March 12, 1913.

CHAPTER 240.

[S. B. No. 213—Englund.]

COMMISSION MERCHANTS.

AN ACT to Amend and Re-enact Sections 2198, 2200, 2201 and 2202, Article 41, Chapter 24, of the Revised Codes of 1905, Relating to the Bonding and Licensing of Commission Merchants.

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

§ 1. AMENDMENT.] Sections 2198, 2200, 2201 and 2202, Article 41, Chapter 24 of the Revised Codes of 1905, are hereby amended and re-enacted to read as follows:

§ 2198. LICENSE, HOW OBTAINED. BOND REQUIRED.] To obtain such license, a statement must be filed in the office of the board or railroad commissioners, giving the name of the person, firm or corporation making application therefor, and the place at which said person, firm or corporation has its headquarters or principal place of business and postoffice address. There must also be filed and deposited in the office of the board of railroad commissioners, subject to the board's approval, a good and sufficient bond in a penal sum of not less than twenty thousand dollars nominally payable to the State of North Dakota, executed by the applicant and at least two sureties or a surety company having the qualification of a fidelity insurance company authorized to do business as such in this state, and containing a condition to the effect that the person, firm or corporation named as principal therein shall well and truly pay and discharge any and all liability which said principal shall incur to consignors within this state, in or account of any disposition that shall be made of any and all grain, creamery or dairy products, or the proceeds thereof, or of either, received by such principal wherever the same shall be received.

§ 2200. APPROVAL OF BONDS. CERTIFICATE ISSUED. REVOKED, HOW.] When the requirements of Section 2199 are complied with and the board of railroad commissioners finds the bond and the surety thereon sufficient, it shall approve the same and issue to the applicant a certificate to the effect that, having complied with the law, such applicant is duly authorized by agent or otherwise, to procure and receive consignments of grain and creamery products from owners and shippers in this state, to be sold or disposed of for the consignor in the usual course of trade. Such certificate shall continue in force until revoked by the board of railroad commissioners, or the surety on said bonds has given notice of withdrawal therefrom or become insufficient, and no new surety with the requisite qualifications has been substituted, or for other sufficient cause.

§ 2201. FEES COLLECTED.] For the examining and approving such bond and issuing a certificate as hereinbefore provided, the board of railroad commissioners shall charge and collect from the applicant a fee of five dollars, and for each duplicate or copy of such certificate a further fee of fifty cents, which fee shall be immediately paid into the general fund of the state treasury, and whenever process is served on the board of railroad commissioners in any action or proceeding, as provided in Section 2202, the board of railroad commissioners shall, as a con-

dition of valid and effectual service, require the payment of a fee of two dollars and pay the same into the state treasury. The said board shall also keep a record of such process showing the time and hour of service, and forthwith mail a copy of the same, postage paid and directed to the postoffice address of the defendant, and thereupon the service shall be deemed sufficient.

§ 2202. ACTION FOR BREACH OF CONDITION.] Every bond given as hereinbefore provided shall continue and remain in force until the principal or surety thereon gives notice to the contrary in writing to the board of railroad commissioners, and for thirty days thereafter, but such notice shall not affect any liability incurred by the principal for, or on account of consignments received or forwarded in this state before the expiration of said time. Successive actions may be brought on such bonds for a breach of the condition thereof by the person injured thereby, until the entire amount of the penalty is exhausted.

Approved March 15, 1913.

REFORM SCHOOL

CHAPTER 241.

[S. B. No. 280—Hanley.]

MINORITY, PERSONS SENTENCED REFORM SCHOOL.

AN ACT Defining Minority as Regards Persons Sentenced to the State Reform School.

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

§ 1. In all cases where under the laws of this state the judge of the district court is authorized to sentence a person to the state reform school during the minority of such person, the person sentenced shall, regardless of sex, be deemed a minor until the age of twenty-one years is reached.

Approved March 11, 1913.

CHAPTER 242.

[H. B. No. 428—Wardrope.]

REFORM SCHOOL.

AN ACT Entitled "An Act Specifying Who May be Sent to the State Reform School and Amending Section 10401 of the Revised Codes of North Dakota of 1905."

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

§ 1. That Section 10401 of the Revised Codes of North Dakota of 1905 be and the same is hereby amended to read as follows:

§ 10401. WHO MAY BE SENT TO REFORM SCHOOL. PROCEDURE.] Whenever any person under the age of twenty years shall in any district court or county court having increased jurisdiction of this state be found guilty of a crime or public offense, other than murder, such court may, if in its judgment the accused is a proper subject therefor, instead of entering judgment against such person, direct by an order to be entered in the minutes of the court that such person be committed to the state reform school until such person attains the age of twenty-one (21) years.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 13, 1913,

REGISTER OF DEEDS

CHAPTER 243.

[S. B. No. 391—Mudgett.]

REGISTER OF DEEDS.

AN ACT to Amend Section 2596 of the 1905 Revised Codes of North Dakota, as Amended by Chapter 69 of the Session Laws of North Dakota for the Year 1907, Providing the Clerk Hire for the Register of Deeds in the Various Counties of the State.

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

AMENDMENT.] Section 2596 of the 1905 Revised Codes of the state of North Dakota and Chapter 69 of the Session Laws of North Dakota for the year 1907 are amended to read as follows:

§ 2596. COUNTY COMMISSIONERS MAY EMPLOY DEPUTIES. WHEN. COMPENSATION.] If in the judgment of the board of county commissioners, it shall be deemed necessary for the prompt and accurate dispatch of business in the office of the register of deeds that deputies or clerks be employed therein, it shall by resolution fix the number of clerks to be employed and the compensation which they shall receive, which compensation shall be paid monthly from the special salary fund, but when the salary fund is exhausted, then out of the general fund by warrant; *provided*, that the officers in whose office such deputies or clerks are employed shall have the sole power of appointing and removing them at pleasure; *provided*, further, that in counties having a population of less than fifteen thousand such amount so paid such register of deeds for salary and clerk hire shall not exceed the sum of five thousand dollars; and in counties having a population of more than fifteen thousand and less than twenty-five thousand, such amount so paid to such register of deeds for salary and clerk hire shall not exceed the sum of six thousand dollars; and in counties having a population of more than twenty-five thousand, such amount so paid to such register of deeds for salary and clerk hire shall not exceed the sum of twelve thousand dollars; *provided*, that if the amount of money that may be paid for clerk hire in any county in this state shall not be sufficient for the prompt and regular dispatch of business in such county, the judge of the district court of the district in

which such county is situated, may upon application of the register of deeds of such county, and after proper showing, order the register of deeds to employ such extra clerks as may be necessary for the prompt dispatch of business in said office, whose compensation shall be paid out of the receipts of said office; *provided*, however, that all moneys received for compiling of the continuation of abstracts of title shall be turned over to the county treasurer, who shall credit the same to the county general fund. Any officer who shall receive and appropriate to his own use and benefit any part of the salary allowed to any such clerk or deputy shall be guilty of a misdemeanor.

EMERGENCY.] Whereas, an emergency exists in this, that in many counties of the state the fees collected by the register of deeds are not sufficient to pay the necessary clerk hire; therefore, this Act shall take effect from and after its passage and approval.

Approved March 13, 1913.

REGISTRATION OF ANIMALS

CHAPTER 244.

[H. B. No. 57—Huso.]

REGISTRATION OF ANIMALS.

AN ACT to Prevent Fraudulent Registration and Sale of Animals as Being Pure Bred and to Amend Section 9007 of the Revised Codes of 1905.

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

§ 1. AMENDMENT.] That Section 9007 of the Revised Codes of 1905 be amended to read as follows:

§ 9007. Any person who shall fraudulently represent any animal to be pure bred, or any person who shall post or publish, or cause to be posted or published, any false pedigree or certificate, or shall use any stallion for public service, or sell, exchange or transfer any stallion, representing such animal to be pure bred, without first having such animal registered in some association recognized by the North Dakota Live Stock Association, and obtaining a certificate therefor, and any person who shall, by any fraud, false pretense or misrepresentation, procure the registration of any animal which is to be used for service, sale or exchange in this state, for the purpose of deception as to the pedigree thereof, and any person who shall sell or otherwise dispose of any animal as a pure bred when he knows or has reasons to believe, that the same is not the offspring of a regularly registered pure bred sire and dam, or who shall sell or otherwise dispose of any animal as a registered pure bred by the use of a false pedigree or certificate of registration, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1,000.00) dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or both such fine and imprisonment, in the discretion of the court.

Approved March 14, 1913.

REPORTS, STATE INSTITUTIONS

CHAPTER 245.

[S. B. No. 352—Linde.]

REPORTS STATE INSTITUTIONS AND BOARDS.

AN ACT to Define the Duty of the Heads of State Institutions and State Boards to Make Reports.

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

§ 1. DUTY OF THE HEADS OF STATE INSTITUTIONS AND STATE BOARDS TO MAKE REPORTS.] It shall be the duty of every head of all state institutions and state boards to set forth, in their annual or biennial report required by law, a list of all persons in the employ of the institution or board, which list shall give the name of each person drawing a salary at such institution, or from such board, the amount of salary and other emoluments drawn, the fund or funds from which drawn, and the number of installments per annum in which such salary is drawn.

§ 2. EXEMPTION FROM OPERATION OF STATUTE.] Section 73 of the Revised Codes of 1905 shall not operate to affect this statute.

§ 3. EMERGENCY.] There being no law at this time which compels a disclosure of the name and amount paid to various officers and employees of state institutions and state boards, and no way of determining the amount paid, or from what funds paid, this law shall be in force from and after its passage and approval.

Approved March 10, 1913.

CHAPTER 246.

[S. B. No. 175—Davidson.]

REPORTS OF STATE OFFICERS AND INSTITUTIONS.

AN ACT to Amend Section 73 of the Revised Codes of 1905, Relating to Reports of Officers, Departments, Boards, Commissioners and State Institutions by Law Required to Be Made to the Governor and the Legislative Assembly of the State, Requiring the Person or Persons Having Contracts for Printing with the State to Execute a Bond, Providing a Penalty for Failure to Make, Transmit and Print Such Reports at the Time Required, and Repealing All Existing Provisions of Law Inconsistent Herewith.

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

§ 1. AMENDMENT.] That Section 73 of the Revised Codes of 1905 be amended to read as follows:

§ 73. REPORTS OF GOVERNOR AND LEGISLATIVE ASSEMBLY TO BE MADE, HOW, WHEN.] All officers, departments, boards, commissions and state institutions which are now or hereafter may be by law required to make and transmit reports annually, or semiannually, to the Governor and the Legislative Assembly of this state, shall deliver typewritten copies in triplicate of such reports to the Governor not later than September first of the year in which such reports are required to be made, and such reports shall be made to include the 30th day of June next preceding. The Governor, upon receiving such reports, shall deliver the same to the commissioners of public printing. The commissioners of public printing shall, not later than October 15th of the year in which such reports are delivered to them, deliver the same revised and condensed as hereinafter provided to the person or persons having contracts with the state for the printing and publishing of the same. The Governor shall lay such printed reports before the Legislative Assembly at its next session, together with his biennial message, *provided* that the Governor and the commissioners of public printing shall revise and condense all such reports so as to eliminate from any such report when published, any and all matter the elimination of which will not seriously detract from the usefulness of such reports, and they shall also in the interest of strict economy restrict the number of such reports to be printed, any provision of law relating to the number of such reports to be printed to the contrary notwithstanding. The governor shall retain one copy of each report filed with him, shall deliver one copy to the commissioners of printing for their files, and one copy shall be filed by him with the secretary of state.

§ 2. BOND.] Before any contract for the printing of the reports of officers, departments, boards, commissions and state institutions contemplated in this act are let and entered into with any person or persons, the Governor and the commissioners of public printing shall require such person or persons to furnish a bond to the state of North Dakota, in an amount which in their judgment shall seem reasonable and sufficient to protect the interests of the state, such bond to be conditioned upon the faithful performance of all the terms of such contract, and it shall be stipulated in each and every one of such contracts for the printing of the reports contemplated in this act, that time of delivery of the printed report shall be the essence thereof. All contracts with any person or persons for the printing of the reports herein referred to shall contain a stipulation that such reports shall be printed and delivered to the commissioners of public printing not later than the 20th day of December following the date on which such reports were delivered to such person or persons to be printed as provided by law.

§ 3. PENALTY.] Any officer, department, board, commission or state institution which is now, or hereafter may be required to make a report annually or biennially to the Governor and the Legislative Assembly of this state, failing to make such report at the time prescribed in this act shall be fined five dollars for each and every day such report shall be delinquent, and in case such report is required to be made by a board or by a commission, the fine imposed herein shall be paid by the secretary thereof, and in case the report herein required to be made shall be that of the department of the state government or of a state institution, the executive head of such department or state institution shall pay such fine. In case the commissioners of public printing omit or neglect to transmit the reports contemplated in this act to the person or persons having contract with the state for printing the same on or before the 15th day of October of the year in which such reports are made to the Governor and the Legislative Assembly, then each of the said commissioners of public printing shall forfeit to the state the sum of five dollars for each and every day during which they shall hold such reports after the 15th day of October as provided herein.

§ 4. REPEAL.] All provisions of law prescribing the time when the report of officers, departments, boards, commissions and state institutions required to be made to the Governor and the Legislative Assembly shall be made, which are in conflict with the provisions of this act, relative to the time of making such reports, are hereby repealed, and all reports shall be made at the time prescribed herein.

This act shall not be construed to repeal any of the provisions of any existing law relating to such officers, departments, boards, commissions, or state institutions, excepting such provisions relative to the time of making the reports to the Governor and the Legislative Assembly, required by law to be made, as are in conflict with the provisions of this act fixing the time when said reports shall be made, transmitted to the person or persons having contracts with the state for printing of the said reports, and delivered by said person or persons, when printed, to the commissioners of public printing.

Approved March 10, 1913.

SALE OF MERCHANDISE

CHAPTER 247.

[H. B. No. 417—Lindstrom.]

SALES AND ASSIGNMENTS.

AN ACT to Amend and Re-enact Chapter 221 of the Session Laws of North Dakota for 1907, Entitled "An Act Providing for the Giving of Notice by Merchants to Their Creditors Before Making Sale of Their Entire Stock or Business."

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

§ 1. AMENDMENT.] Chapter 221 of the Session Laws of the State of North Dakota for 1907 is hereby amended and re-enacted to read as follows:

§ 2. The sale, transfer or assignment, in bulk, of any part or the whole of a stock of merchandise, or merchandise and fixtures pertaining to the conducting of said business, otherwise than in the ordinary course of trade and in the regular prosecution of the business of the seller, transferrer or assignor, shall be void as against the creditors of the seller, transferrer, assignor, unless the seller, transferer, assignor and purchaser, transferee and assignee, shall, at least five days before the sale, make a full detailed inventory, showing the quality and, so far as possible with exercise of reasonable diligence, the cost price to the seller, transferrer and assignor of each article to be included in the sale; and unless the purchaser, transferee and assignee demand and receive from the seller, transferrer and assignor a written list of names and addresses of the creditors of

the sellers, transferrer and assignor with the amount of indebtedness due or owing each, and certified by the seller, transferee and assignor, under oath, to be a full, accurate and complete list of his creditors, and of his indebtedness; and unless the purchaser, transferee and assignee shall, at least five days before taking possession of such merchandise, or merchandise and fixtures, or paying therefor, notify personally or by registered mail every creditor whose name and address are stated in said list, or of which he has knowledge, of the proposed sale and of the price, terms and conditions thereof.

§ 3. Sellers, transferrers and assignors, purchasers, transferees and assignees, under this Act, shall include corporations, associations, co-partnerships and individuals. But nothing contained in this Act shall apply to sales by executors, administrators, receivers, trustees in bankruptcy, or by any public officer under judicial process.

§ 4. Any purchaser, transferee or assignee, who shall not conform to the provisions of this Act shall, upon application of any of the creditors of the seller, transferrer or assignor, become a receiver and be held accountable to such creditors for all the goods, wares, merchandise and fixtures that have come into his possession by virtue of such sale, transfer or assignment.

§ 5. *Provided*, however, that any purchaser, transferee or assignee, who shall conform to the provisions of this Act shall not in any way be held accountable to any creditor of the seller, transferrer or assignor for any of the goods, wares, merchandise or fixtures that have come into the possession of said purchaser, transferee or assignee by virtue of such sale, transfer or assignment.

§ 6. REPEAL.] All Acts and parts of Acts so far as the same is in conflict with the provisions of this Act are hereby repealed.

Approved March 14, 1913.

SECRETARY OF STATE

CHAPTER 248.

[H. B. No. 501—Williams.]

SUPREME COURT REPORTS.

AN ACT to Authorize the Trustees of Public Property to Sell at Such Prices as May Be Practicable the Volumes of the Supreme Court Reports Now on Hand in the Office of the Secretary of State.

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

§ 1. The trustees of public property of the state of North Dakota are hereby authorized to sell at such prices as may be practicable the volumes of the North Dakota Supreme Court Reports now on hand in the office of the Secretary of State, numbered from one to nineteen inclusive, *provided* that such volumes shall not be sold for less than one dollar per volume.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

§ 3. EMERGENCY.] Whereas the state has on hand a large number of the North Dakota Supreme Court Reports numbered from one to nineteen inclusive which cannot be sold at the price fixed by existing statutes, in view of the fact that such volumes with annotations are now obtainable at two dollars and fifty cents per volume, therefore this Act shall be in force and effect from its passage and approval.

Approved March 11, 1911.

SEED GRAIN

CHAPTER 249.

[S. B. No. 206—Jacobsen.]

SEED GRAIN TAX.

AN ACT to Amend and Re-enact Section 11 of Chapter 210 of the Laws of North Dakota for 1909, Relating to Seed Grain, Contract for Re-payment and Delinquent Payments Extended on Tax List.

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

§ 1. AMENDMENT.] Section 11 of Chapter 210 of the Laws of 1909 is hereby amended and re-enacted so as to read as follows:

§ 11. CONTRACT FOR RE-PAYMENT. DELINQUENT PAYMENTS EXTENDED ON TAX LISTS.] The county auditor of each county shall, as soon as the county commissioners shall have performed the duty prescribed in the preceding section, issue to each applicant demanding it an order for the number of bushels of each kind of seed grain which has been allowed to said applicant, unless otherwise directed by the board or the chairman thereof; *provided*, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, attested by the county auditor, to the effect that said applicant, for and in consideration of bushels of seed grain received fromcounty, promises to pay to said county dollars, the amount of cost of said seed grain; that said sum shall be taxable against all the real property for which said seed was furnished and all personal property of said applicant; that such tax shall be levied by the county auditor of his county and collected as other taxes are collected under the laws of this state; that the amount of such indebtedness shall become due and payable on the first day of October in the year in which said seed grain is furnished, together with interest on such amount from the first day of April of that year, at the rate of seven per cent per annum, and if said indebtedness be not paid on or before the fifteenth day of October of that year it shall then be the duty of the county auditor of the said county to cause the amount of said indebtedness to be entered upon the tax lists of said county then in the hands of the county treasurer as a tax against the land owned by the applicant for which said seed was furnished, to be col-

lected as other taxes are, and the sum so entered and levied shall be a lien upon the real estate owned by said person, for which said seed was furnished, until said indebtedness is fully paid; when it shall be the duty of the proper officer to cancel the same; *provided*, that such indebtedness shall not be subject to the penalty provided for taxes, nor shall it bear a greater rate of interest than seven per cent per annum.

Approved March 14, 1913.

SCHOOLS

CHAPTER 250.

[S. B. No. 260—Gibbens.]

AGRICULTURAL TRAINING SCHOOLS.

AN ACT to Amend Section Two of Chapter 265 of the Session Laws of 1911, Relating to Establishment and Maintenance and Improvements and Equipment of a County Agricultural and Training School, and Providing Levies Therefor.

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

§ 1. AMENDMENT.] Section 2 of Chapter 265 of the Session Laws of 1911 is amended and re-enacted to read as follows:

§ 2. After the establishment of such a school, the maintenance thereof shall be borne jointly by such county and the state, as hereinafter provided. The board of county commissioners are hereby empowered and directed annually to levy and spread on the tax roll a sum sufficient to pay the county's share of the cost of maintenance; *provided*, that not to exceed one-half of the yearly cost of maintenance shall be paid by the state, but the state's share of such maintenance shall not exceed the sum of three thousand dollars in any one year; it being the intent of this act that a sum at least equal to the state's share shall be levied and paid by the county, but this shall not prevent the county from levying a greater sum of (for) maintenance, if deemed necessary; *provided*, further, that the board of county commissioners may from time to time levy and spread upon the tax roll sums of money for the erection and construction of additional buildings or other improve-

ments, or for the purchase of equipment, but levies for improvements or equipment shall not exceed the sum of five thousand dollars in any one year, without first having been submitted to a vote of the electors of such county as provided in Section one here of.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby expressly repealed.

Approved March 11, 1913.

CHAPTER 251.

[S. B. No. 85—Bronson.]

TEACHERS' INSURANCE AND RETIREMENT FUND.

AN ACT Creating a Teachers' Insurance and Retirement Fund, and Providing For its Maintenance and Disbursement.

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

§ 1. CREATION OF FUND AND MEMBERSHIP OF BOARD.] There is created a teachers' insurance and retirement fund, which shall be managed by a board of trustees to be known as the board of trustees of the teachers' insurance and retirement fund. Such board shall consist of five members. The state treasurer and the state superintendent of public instruction shall be ex-officio members of said board; three members, one of whom shall be a woman, shall be appointed by the governor from among the members of the teachers' retirement fund as provided for in this Act. One such appointive member may be a retired member of the fund. The term of office of the appointive members of said board of trustees shall be three years, except as provided herein, and shall begin on the first day of July, next succeeding their appointment; provided that the terms of office of the first members appointed shall be one for a period of one year, and one for a period of two years, and one for a period of three years.

§ 2. ANNUAL MEETING OF MEMBERS.] At the time and place of the meeting of the North Dakota State Education Association, those teachers who have qualified as members of the teachers' insurance and retirement fund according to Sections 11, 12, and 13 of this Act, shall meet for the purpose of hearing the report of the board created by Section 1 of this Act, and of transacting such other business as may properly come before them.

§ 3. VACANCIES.] In case any vacancy occurs among the members of the board, said vacancy shall be filled im-

mediately by the governor, and the appointee shall serve the balance of the term for which the original member was appointed.

§ 4. ORGANIZATION OF THE BOARD.] Said board of trustees shall organize by the election of a president. The state treasurer shall be ex-officio treasurer of said board, and shall receive and make payments from and account for said funds in the same manner as for other state funds. Said board may employ a secretary to be chosen for such a term as shall be determined by said board. Said secretary shall perform such duties in connection with the teachers' insurance and retirement fund as may be prescribed by the board.

§ 5. MEETINGS AND REGULATIONS.] Said board shall meet annually within three months after July first of each year, at the office of the superintendent of public instruction, at a time to be fixed by the board, and at any other time on the call of the president or of any two members thereof. Said board shall adopt rules for the government of its meetings and for membership in the fund, payments there-to and therefrom, and for other matters which will be calculated to aid teachers in securing the benefit of the fund.

§ 6. COMPENSATION AND SECRETARY.] Members of said board shall receive no compensation except their necessary traveling expenses incurred in attending the meetings, to be paid from the teachers' insurance and retirement fund upon the certificate of the president and secretary; but if the board shall elect one of its members secretary, such member may receive compensation for services rendered as secretary. The secretary of said board shall receive a salary to be fixed by the board, at an amount not to exceed twelve hundred dollars per annum. The compensation of the secretary and any other necessary expenses incurred by said board in carrying out the provisions of this Act shall be paid from the fund.

§ 7. INVESTMENT OF FUNDS.] Said board shall have charge of the fund and shall invest the same under the same conditions as the trust funds of the state may be invested.

§ 8. ANNUAL REPORT.] On or before the first day of October of each year, said board shall report for the fiscal year ending the thirtieth of June preceding. A copy of said report shall be transmitted to the annual meeting of the members of the teachers' insurance and retirement fund and to the state superintendent of public instruction. Said superintendent shall include a copy of said report in his biennial report to the governor.

§ 9. RETENTION OF ASSESSMENTS.] Each school district board, each board of education, or other managing body

of each city, and of each school district, and of each village, and of each town operating its schools under the township system of school government, shall retain on every pay day from the salary of each teacher in their respective schools, the amounts herein provided. Each teacher shall be furnished a statement by such board, showing the amount so deducted from his or her salary.

§ 10. AMOUNT OF ASSESSMENTS.] Every teacher who has joined the fund shall be assessed upon his or her salary as teacher for a period of twenty-five years as follows: one per centum per annum, but not more than twenty dollars per year, for each of the first ten years of service as a teacher; and two per centum per annum, but not more than forty dollars per year for each successive year of service as teacher, until said teacher shall have had a total of twenty-five years of teaching service, when said assessments shall cease. The total amount paid into said fund by each teacher shall be based upon said twenty-five years of service as teacher with assessments as provided in this Section; provided that such total amount shall not be less than the full amount of the annuity to which such teacher shall be entitled for the first year.

§ 11. ALL NEW TEACHERS ASSESSED AFTER JANUARY 1, 1914.] In becoming a teacher in said public schools after January 1, 1914, he or she shall be conclusively deemed to join the fund and to undertake and agree to pay such assessments, and to have such assessments deducted from his or her salary as herein provided.

§ 12. ASSESSMENTS OPTIONAL FOR TEACHERS NOW TEACHING IN THE STATE.] Any person employed as teacher in said public schools when this Act takes effect, may, at any time before January 1, 1914, elect to join the fund and to come within the provisions of this Act, by notifying in writing the board of trustees of the teachers' insurance and retirement fund; but no person employed as teacher in said public schools, when this Act takes effect, shall be compelled to join the fund, or to come within the provisions of this Act or to pay the assessments or to have the same deducted from his or her salary without his or her consent.

§ 13. NOTIFICATION BY TEACHER.] At the time of giving said notice to the board of trustees, as herein provided, such teacher shall notify the local school board or any other managing body, in writing, of his or her election to come within the provisions of this Act; and shall authorize said school board, as a part of said notice, to deduct from each payment of salary due him or her a sum equal to said per centum of such payment as provided in Section 10.

§ 14. TRANSMISSION OF MONEY TO COUNTY TREASURER.] Each such school district board, each board of education,

or other managing body, shall each year between the 20th and the 30th days of June, forward to the treasurer of the county in which the school house of said teacher is located, a statement verified by the secretary or clerk thereof, of the moneys so retained, in accordance with the provisions of this Act, together with said moneys so retained. Said statement shall also include the following: Name and monthly salary of each of said teachers; number of months of school taught by each teacher in said public schools of the district, village, or city over which said school board or other managing body, has jurisdiction during the school year for which the statement is made; the number of months constituting a school year in such district, village or city; the total salary of each teacher; the total amount withheld from the salary of each teacher, in accordance with the provisions of this Act; the total amount withheld from the salaries of all of said teachers for the school year next preceding; and the total number of years such teacher has taught in the public schools of the state.

§ 15. STATEMENTS TO BE SENT TO COUNTY SUPERINTENDENT AND COUNTY AUDITOR.] Said school board shall at the same time send a copy of said statement to the superintendent of the county in which said school house is located, and also a duplicate copy of the same to the auditor of said county.

§ 16. STATEMENT TO BE SENT IN ALL CASES.] If no teacher in such city, village, town or school district comes under the provisions of this Act, the school board or other managing body of such city, village, town or school district, shall state this fact under the oath of the secretary or the clerk thereof, to the treasurer of said county; and shall at the same time forward copies of said statement to the superintendent of said county and to the auditor of said county.

§ 17. REPORTS TO BE MADE TO THE BOARD.] Each county superintendent shall each year, between the 30th day of June and the 10th day of July, report under oath to the board of trustees of the teachers' insurance and retirement fund. Said report shall contain an itemized account of the statements received by him from the school boards and a statement of the total amount withheld from the salaries of all of said teachers in said report.

§ 18. REPORTS TO BE PRESERVED.] The board of trustees of the teachers' insurance and retirement fund, each county superintendent, each county auditor, each county treasurer, each school district board, each town board of education, or other managing body, shall keep complete records of the data contained in said reports and of the statements hereinbefore mentioned.

§ 19. TRANSMISSION OF FUNDS TO STATE TREASURER.] Be-

tween the 15th day of July and the 1st day of August of each year, the county treasurer shall transmit to the state treasurer all moneys which he has received from the school boards in accordance with the provisions of this Act; and shall certify under oath to the board of trustees of the teachers' insurance and retirement fund the amount so received and transmitted to the state treasurer, as herein provided. The state treasurer shall credit all moneys received under the provisions of this Act to the fund designated as the teachers' insurance and retirement fund.

§ 20. PENALTY FOR FAILURE TO REPORT AND TRANSMIT FUNDS.] No city, village, town or school district shall share in the apportionment of the state tuition fund for any year, unless it has made the report as herein provided and paid over to the state treasurer for the teachers' insurance and retirement fund such per centum as provided in Section 10 of the total sum paid in wages to such teachers as come under the provisions of this Act, and also the portion of the county tuition fund described in Section 21.

§ 21. FUND TO BE SET ASIDE FROM COUNTY TUITION FUND AND TRANSMITTED TO STATE TREASURER.] Each county treasurer shall annually set aside from the county tuition fund a sum equal to ten cents for each child of school age in his county and shall transmit this sum to the state treasurer at the same time that he transmits the funds received from the school boards in accordance with Section 19, and shall certify under oath to the board of trustees of the teachers' insurance and retirement fund the amount so transmitted to the state treasurer. The state treasurer shall credit all moneys received in accordance with this Section to the fund designated as the teachers' insurance and retirement fund.

§ 22. NAME OF FUND.] The moneys received by the state treasurer under the provisions of Sections 19 and 21 of this Act, together with donations or legacies received therefor, or moneys received from any legal source of increment, shall constitute a fund to be known as the "teachers' insurance and retirement fund."

§ 23. PAYMENT OF BACK ASSESSMENTS.] Any teacher coming from schools not included under the provisions of this Act shall pay assessments for said years of service in such schools, as provided in Section 10, based upon his or her first annual salary in said public schools of the state, together with the regular assessments as provided in Section 10, before receiving any retirement annuity.

§ 24. RETIREMENT OF TEACHERS WHO ARE ELIGIBLE TO ANNUITY.] Any teacher who may be teaching in said public schools and who has complied with the provisions of these

Sections may retire and receive the annuity provided for in the following cases:

1. After a period or periods aggregating twenty-five years of service as teacher, of which eighteen years, including the last five, must have been spent in public schools of this state, provided that payments by said teacher to the fund shall have amounted to a sum as provided in Section 10. If said payments shall not have amounted to said sum, the teacher shall pay into the fund the deficiency before receiving said annuity.

2. After fifteen years of service as teacher in the public schools of this state, when said teacher suffers from a permanent mental or physical disability, to be determined by said board after an examination by two physicians appointed by said board, provided that payments by said teacher to the fund shall have amounted to a sum as provided in Section 10. If said payments shall not have amounted to said sum, the teacher shall pay into the fund the deficiency before receiving the annuity. The examination fees of such physician shall be paid by said applicant.

§ 25. LEGAL SCHOOL YEAR DEFINED.] In computing the terms of service under Section 24, a year shall be a legal school year at the time and place where said service was rendered, except that where the service was rendered in schools not included within the provisions of this Act, a time less than a legal school year in this state shall not be included as a year, but only as such proportion of a year as the number of teaching weeks in each such year bears to the number of weeks required at the time to constitute a legal school year in this state.

§ 26. APPLICATIONS TO THE BOARD.] Any person who has complied with the provisions of this Act and desires to retire from active service in said public schools, shall apply in writing to the board of trustees of the teachers' insurance and retirement fund.

§ 27. AMOUNT OF ANNUITY.] Each teacher retiring from the service of said public schools under the provisions of Section 24, shall annually and for life be entitled to receive as annuity a sum equal to one-fiftieth of his or her average annual salary for the last five years of service, multiplied by the whole number of years of service as teacher; *provided*, however, that his said annuity shall not exceed seven hundred and fifty dollars in any one year, or be less than three hundred and fifty dollars in any one year, subject, however, to all the provisions of this Act.

§ 28. TRUSTEES MAY RATABLY DIMINISH ANNUITIES.] The board of trustees may ratably reduce the annuities provided in this Act, whenever in the judgment of the board, the condition of the fund shall require such reduction.

§ 29. WITHDRAWALS FROM MEMBERSHIP IN THE FUND.] Any teacher who shall cease to teach in said public schools before receiving any benefit or annuity from the fund, shall, if application be made in writing to the board of trustees within six months after the date of his or her resignation, be entitled to the return of one-half of the amount, without interest, which shall have been paid into the fund by such teacher. If such teacher should again thereafter teach in said public schools, he or she shall, within one year from the date of his or her return to the service on said public schools, refund to said fund the amount so returned to such teacher, together with simple interest on said amount (but not to exceed four per centum per annum) for the time such amount was withdrawn from the fund.

§ 30. ANNUITIES TO BE PAID QUARTERLY.] The state treasurer shall pay said annuities quarterly in September, December, March and June of each year, upon the warrants of the state auditor issued upon certificates of the president and secretary of said board. No payments shall be made prior to September, 1915.

§ 31. ANNUITIES PAID FROM INTEREST AND PRINCIPAL.] Payments from the fund shall be made from the income thereof and in addition thereto, when necessary, from the principal of moneys received under Sections 19 and 21.

§ 32. ANNUITIES TO CEASE UPON RESUMPTION OF TEACHING.] Any person retiring under these Sections may again enter upon the work of teaching in said public schools; during said term of teaching the annuity paid to such person shall cease. Said annuity shall again be paid to said person upon his or her further retirement.

§ 33. ANNUITIES NOT SUBJECT TO LEGAL PROCESS.] The annuities so created shall not be subject to attachment, garnishment, execution, or other seizure on (or) process, nor shall they be subject to sale, assignment, pledge, mortgage, or other alienation.

§ 34. THE TERM "TEACHER" DEFINED FOR THE ACT.] The term "teacher," as used in this Act, shall include all persons employed in teaching by any city board of education, or school board or other managing body of any city, town, village, or rural school district in this state, and all superintendents and assistant superintendents of said schools, including county superintendents and their assistants, all supervisors of instruction, all principals and assistant principals, and special teachers of said schools.

Approved March 11, 1913.

CHAPTER 252.

[S. B. No. 216—Talcott.]

SCHOOLS, SYSTEM OF INSTRUCTION.

AN ACT to Amend and Re-enact Section 3 of Chapter 264 of the Session Laws of 1911, Relating to a Thorough System of Instruction in Schools.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 264 of the Session Laws of 1911 be amended and re-enacted so as to read as follows:

§ 3. REVIEW BY SENIOR CLASS, DUTY OF SUPERINTENDENT.] The Superintendent shall, and it is hereby made his duty to cause to be reviewed by each senior class during the senior year, the full and complete course of study pursued by said class in the grammar grades.

Approved March 11, 1913.

CHAPTER 253.

[S. B. No. 390—Joint Committee on Education.]

CONSOLIDATION DISTRICT SCHOOLS.

AN ACT to Amend Section 84 of Chapter 266 of the Session Laws of 1911, Relating to Education.

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

§ 1. Section 84 of Chapter 266 of the Laws of 1911 is hereby amended to read as follows:

§ 84. CONSOLIDATION. CONVEYING PUPILS.] The district board may call, and, if petitioned by one-third of the voters in the district, shall call an election to determine the question of "conveying pupils at the expense of said district to and from schools already established," or "of consolidating two or more schools, and of selecting a site and erecting a suitable building, or of making suitable additions to buildings already erected, to accommodate the pupils of schools to be vacated." Said elections shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school election. If a majority of the votes cast at such election are in favor of conveying the pupils at the expense of the district to and from schools already established or of consolidating two or more schools and of providing a suitable building for the accommodation of the pupils of vacated schools, then the board shall make all necessary arrangements to carry out the decision of the

district. The board shall arrange for the transportation of pupils to and from such schools. It shall establish routes of travel, adopt rules and regulations for such transportation, and shall contract with responsible parties for such transportation. *Provided*, that whenever the school board of a district in which a consolidated school is established is unable to make suitable arrangements for the transportation of pupils to and from school, said transportation shall be provided according to the provisions of Section 232 of Chapter 266 of the Laws of 1911, amended.

Approved March 11, 1913.

CHAPTER 254.

[S. B. No. 338—Joint Sub-Committee on Education.]

SCHOOLS, TEXT BOOKS.

AN ACT Providing that Persons in Charge of School Children Shall Furnish Suitable Text Books in Districts Wherein the Free Text Book System Has Not Been Adopted.

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

§ 1. In any district which does not have the free text-book system, the person in charge of any child in school shall provide it with suitable text books, which shall be those adopted by the school board and necessary to its reasonably successful progress in class in all of the subjects of study for the grade to which it is assigned by its teacher.

Approved March 11, 1913.

CHAPTER 255.

[S. B. No. 197—Barnes.]

FIRE ESCAPES FOR SCHOOL HOUSES.

AN ACT Relating to Exits in All Schoolhouses Having More Than One Schoolroom, and Requiring Stationary Fire Escapes With Proper Landings and Railings to be Attached to the Outside of all Schoolhouses Above the First Story of every Schoolhouse Having More Than One Story, and Designating Whose Duty it Shall be to Provide such Exits and Fire Escapes, and Prescribing a Penalty for the Violations of the Provisions of this Act.

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

§ 1. EXITS REQUIRED.] All school houses having more than one school room shall have the doors in the exits opening outward, and it is hereby further provided that after

the passage of this act school houses of more than one room thereafter erected shall be provided with an exit not less than four feet six inches in width. All doors to be kept unlocked from 8:30 o'clock A. M. to 4:30 o'clock P. M. on school days.

§ 2. FIRE ESCAPES, HOW CONSTRUCTED.] There is hereby required a stationary fire escape, consisting of iron stairways, attached to school houses having more than one story, with iron landings easily accessible from each school-room above the first floor, guarded by an iron railing not less than two feet six inches in height. Such landings shall be connected by iron stairs not less than three feet wide and with steps not less than six inches tread, and protected by a well secured hand rail of iron on both sides and reaching to the ground. *Provided*, however, that the six-foot section immediately above the ground shall be hinged to the main escape so it may be swung out of the way when not in use; further provided that this section shall not affect school-houses now constructed and provided with adequate fire escapes. The way of egress to such fire escape shall at all times be kept free and clear from all obstruction of any and every nature.

§ 3. DUTY OF SCHOOL OFFICERS.] Trustees, boards of directors, boards of education, or any other person having charge of such school houses shall comply with the provisions of this act within six months after its passage and approval.

§ 4. PENALTY.] Any person or board violating any of the provisions of this act shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars.

§ 5. EMERGENCY.] An emergency exists in that many school houses in this state are not adequately provided with exits and fire escapes, therefore this act shall take effect and be in full force from its passage and approval.

Approved March 1, 1913.

CHAPTER 256.

[S. B. No. 234—Bond.]

APPOINTMENT OF TREASURER BY SPECIAL SCHOOL
DISTRICT BOARDS.

AN ACT to Amend Section 141 of Article 9 of Chapter 266 of the Session Laws of 1911, Relating to Public Schools.

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

§ 1. AMENDMENT.] That Section 141 of Article 9 of Chapter 266 of the Session Laws of 1911, of the State of North Dakota, be amended to read as follows:

§ 141. ORGANIZATION OF BOARD.] At the annual meeting on the second Tuesday in July of each year such board of education shall organize by electing a president from among its members, who shall serve for one year; and they shall also appoint a clerk and a treasurer, not of their own number, who shall hold their offices during the pleasure of the board and receive such compensation for their services as shall be fixed by the board. In the absence of the president at any meeting a president pro tempore may be elected by the board.

REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 3, 1913.

CHAPTER 257.

[H. B. No. 66—Buck.]

ELECTION OF BOARD OF EDUCATION OF INDEPENDENT
SCHOOL DISTRICTS.

AN ACT to Amend and Re-enact Section 181 of Chapter 266 of the Session Laws of the Year 1911, of the State of North Dakota, Relating to Public Schools.

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

§ 1. AMENDMENT.] Section 181 of Chapter 266 of the Sessions Laws of the State of North Dakota for the year 1911, relating to public schools, is amended and re-enacted to read as follows:

§ 181. MEMBERS OF THE BOARD. HOW ELECTED. QUORUM AND TERM OF OFFICE.] Such board shall consist of one member from each ward in the city, and when the city is divided into an even number of wards then such city shall elect

one member of such board at large, and when such city is divided into an odd number of wards such city shall elect two members of such board at large. Such members shall hold their office for the term of three years and until their successors are elected and qualified. Provided that at the first election in independent districts hereafter organized members from even numbered wards shall be elected for a term of one year; and members from odd numbered wards for a term of two years; and members at large shall be elected for a term of three years. *Provided* further, that in such cities as have been heretofore organized as independent school districts that the term of office of members at large elected in 1912 shall be three years; that the term of office for members of said board from even numbered wards elected in 1912 be extended to two years from the date of their election; that their term of office of the members elected from odd numbered wards in 1911 shall remain two years, and that thereafter the term of office for all members shall be three years. A majority of said board shall constitute a quorum.

EMERGENCY.] Whereas, an emergency exists in that the next school election takes place April 21st, 1913, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1913.

CHAPTER 258.

[S. B. No. 47—Jacobsen.]

SCHOOLHOUSES AND SITES.

AN ACT Repealing Chapter 268 of the Session Laws of 1911, Relating to Schoolhouses and Sites.

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

Chapter 268 of the Sessions Laws of 1911, entitled, "An Act to Amend Section 2 of Chapter 204 of the Laws of 1909, entitled, 'An Act to Amend Sections 811, 829, 882 and 883 of the Revised Codes of 1905, pertaining to education,'" is hereby repealed.

Approved February 19, 1913.

CHAPTER 259.

[S. B. No. 344—Joint Sub-Committee on Education.]

SCHOOL DISTRICT BOUNDARIES.

AN ACT to Repeal Section 43½ of Chapter 266 of the Session Laws of 1911, Relating to Boundaries of School District.

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

§ 1. REPEAL.] That Section 43½ of Chapter 266 of the Session Laws of 1911 be and the same is hereby repealed.
Approved March 11, 1913.

CHAPTER 260.

[S. B. No. 340—Joint Sub-Committee on Education.]

EXPENSES COUNTY SUPERINTENDENTS.

AN ACT to Repeal Section 28 of Chapter 266 of the Session Laws of 1911, Relating to Office, Postage and Stationery of County Superintendent.

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

§ 1. REPEAL.] That Section 28 of Chapter 266 of the Session Laws of 1911 be and the same is hereby repealed.
Approved March 11, 1913.

CHAPTER 261.

[S. B. No. 347—Joint Sub-Committee on Education.]

HIGH SCHOOL DIPLOMAS.

AN ACT to Amend Section 258 of Chapter 266 of the Session Laws of 1911, Relating to High School Diplomas.

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

§ 1. AMENDMENT.] That Section 258 of Chapter 266 of the Session Laws of 1911 be and the same is hereby amended so as to read as follows:

§ 258. HIGH SCHOOL DIPLOMAS.] Diplomas from North Dakota high schools doing four years' work, granted to graduates who have had psychology, pedagogy, and two senior-review subjects, together with eighteen days' attendance at a teachers' training school, shall be accredited as second grade elementary certificates; and if within two years from the date of the diploma the holder has had at least eight months' successful experience in teaching, he shall be entitled to a first grade elementary certificate.

Approved March 11, 1913.

CHAPTER 262.

[S. B. No. 55—Bond.]

ELECTION OF OFFICERS.

AN ACT to Amend Section 157 of Article 9 of Chapter 266 of the Session Laws of 1911, Relating to the Election of School Officers.

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

§ 1. AMENDMENT.] That Section 157 of Article 9 of Chapter 266 of the Session Laws of 1911, of the State of North Dakota, be amended to read as follows:

§ 157. NOTICE OF ELECTION. FORM OF.] Such notice shall be in substantially the following form:

Notice is hereby given that on Tuesday, the.....day of June, A. D....., an annual election will be held at..... (here insert polling place) for the purpose of electing the following members of the board of education..... (here insert terms for which they are to be elected), for the city, town or village..... (here insert name), and the polls will be open at nine o'clock A. M., and closed at four o'clock P. M. of that day.

By order of the Board of Education.

Signed.....Clerk.

CANDIDATES. OFFICIAL BALLOT.] Any person desiring to be a candidate at such election shall file his or her name with the clerk not less than five days before such election, stating what position he or she desires to be a candidate for. At least three days before such election the clerk shall prepare and have printed an official ballot containing all the names filed as hereinbefore provided. Such ballot shall be headed "Official Ballot," shall contain the name of the district and the date of such election, shall be non-partisan, and state the number of persons to be voted for for each office, shall contain blank spaces below for writing in other names. *Provided* nothing herein shall prevent any person desiring to be a candidate at such election and who failed to file as hereinbefore provided, from providing stickers to be attached to the official ballot by the voter, such stickers to be not over one-half inch in width and have printed thereon one name only.

The provisions of Sections 640, 641, 644, 648, 649 and 681 of the Revised Codes of 1905, and of Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of Chapter 129 of the Session Laws of 1911, shall apply to elections held under the provisions of this act.

EMERGENCY.] Whereas, an emergency exists, in this, that

there is now no law providing for an official ballot for school elections, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 17, 1913.

CHAPTER 263.

[S. B. No. 342—Joint Sub-Committee on Education.]

SCHOOL INSPECTION.

AN ACT to Amend Section 80 of Chapter 266 of the Session Laws of 1911, Relating to Board of Inspection.

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

§ 1. AMENDMENT.] That Section 80 of Chapter 266 of the Session Laws of 1911 be, and the same is hereby, amended to read as follows:

§ 80. COUNTY BOARD OF HEALTH.] Whenever the county superintendent of schools shall report to the county board of health that a school house or any school out-building is in an unsanitary or unsafe condition, or that any of the pupils or any person of school age is alleged to be defective in mind or body, it shall be the duty of the said board to investigate the report without delay and to direct the school board or a person in charge of the alleged defective to take such action as shall seem to be for the best interests of the persons immediately concerned.

Approved March 11, 1913.

CHAPTER 264.

[H. B. No. 238—Homan.]

SCHOOL SUPPLIES.

AN ACT to Amend Section 70 of Chapter 266 of the Session Laws of 1911, Relating to the Purchase of School Supplies.

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

§ 1. AMENDMENT.] That Section 70 of Chapter 266 of the Session Laws of 1911 be amended to read as follows:

§ 70. FURNITURE, MAPS, REGISTER, SCHOOL LIBRARY.] The district school board shall, with the approval of the county superintendent of schools, furnish to each school all necessary and suitable furniture, maps, charts, globes, blackboards, and other school apparatus, including any dictionary which is recognized as a standard authority. The school

register and all school blanks used shall be those furnished by the state department of public instruction. It shall appropriate and expend each year not less than ten dollars (\$10.00), or more than twenty-five dollars (\$25.00, for each school of the district for the purpose of school library, to be selected by the school board and the teacher, from any list of books authorized by the superintendent of public instruction, and furnished by him to the county superintendent for that purpose.

Approved March 11, 1913.

CHAPTER 265.

[S. B. No. 343—Joint Sub-Committee on Education.]

SCHOOLHOUSE SITES.

AN ACT to Amend and Re-enact Section 81 of Chapter 266 of the Session Laws of 1911, Relating to School House Sites.

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

§ 1. AMENDMENT.] That Section 81 of Chapter 266 of the Session Laws of 1911 be and the same is hereby amended and re-enacted to read as follows:

§ 81. SCHOOL HOUSE SITES, HOW OBTAINED AND MAXIMUM AREA ALLOWED.] The school board of any school district may take in the corporate name thereof any real property not less than two acres, nor exceeding five acres in area chosen as a site for school house, as provided in this chapter, and may hold and use such tract for school purposes only. It shall secure good title to any and all of the school sites in the district, and cause the same to be recorded in the office of the register of deeds. It shall be the duty of the state's attorneys to pass upon the title to any school site before the deed thereof is recorded. Should the owner of such real property refuse or neglect to grant and convey such site a site for a school house may be obtained by proceeding in eminent domain, as provided in the Code of Civil Procedure. If this site so selected is not used for the purpose for which it is taken for two successive years it shall revert to the original owner or his assigns upon payment of the sum originally paid by the school district. If such owner or his assigns neglects or refuses to make such re-payment for one year after the demand therefor by the board such site shall be the property of the district.

Approved March 11, 1913.

CHAPTER 266.

[S. B. No. 345—Joint Sub-Committee on Education.]

SCHOOL TERMS.

AN ACT to Amend Section 85 of Chapter 266 of the Session Laws of 1911, Relating to Additional School Time.

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

§ 1. **AMENDMENT.]** That Section 85 of Chapter 266 of the Session Laws of 1911 be, and the same is hereby, amended so as to read as follows:

§ 85. **ADDITIONAL SCHOOL TIME.]** If a majority of the patrons of any school averaging eight or more pupils in daily attendance for a period of three months immediately prior to the date of filing the petition with the clerk of the district board, shall petition the board to continue such school for an additional time, the board shall continue such school for that length of time if there are funds in the treasury sufficient for that purpose.

Approved March 11, 1913.

CHAPTER 267.

[S. B. No. 376—Joint Sub-Committee on Education.]

SCHOOL COMPULSORY ATTENDANCE.

AN ACT to Amend Section 232 of Chapter 266 of the Session Laws of 1911, Relating to Education.

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

§ 1. Section 232 of Chapter 266 of the Laws of 1911 is hereby amended to read as follows:

§ 232. **SCHOOL AGE. WHO EXEMPT FROM COMPULSORY ATTENDANCE.]** Every parent, guardian, or other person, who resides in any school district or city, and who has control over any child of or between the ages of eight and fifteen, shall send such child to a public school in each year during the entire time the public schools of such district or city are in session; and every parent, guardian, or other person having control of any deaf, blind or feeble-minded child or youth between the ages of seven and twenty-one years of age shall be required to send such deaf child to the school for the deaf at the city of Devils Lake for the entire school year unless excused by the superintendent or principal of such

school, such blind child to the school for the blind at Bathgate for the entire school year unless excused by the superintendent or principal of such school, and such feeble-minded child to the institution for the feeble-minded at Grafton; *provided*, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction subject to appeal as provided by law that one of the following reasons therefor exists:

1. That such child is taught for the same length of time in a parochial or private school, approved by the county superintendent of school subject to appeal to the superintendent of public instruction; that no school shall be approved by the county superintendent of schools or superintendent of public instruction unless the branches usually taught in the common schools are taught in such schools.

2. That such child is actually necessary to the support of of the family.

3. That such child has already acquired the branches of learning taught in the public schools.

4. That such child is in such a physical or mental condition (as declared by a licensed physician, if required by the board) as to render such attendance inexpedient or impracticable.

5. If no school is taught the requisite length of time within two and one-half miles of the residence of such child by the nearest route such attendance shall not be enforced, except in cases of consolidated schools, where the school board has arranged for the transportation of pupils. In every school district where consolidated schools have not been established the school board shall arrange a system of zones for the transportation of children to and from school at the expense of the district. Children living within not less than one and one-quarter miles nor more than two and one-quarter miles from the school house by the nearest public route shall be in zone number one; children living within not less than two and one-quarter miles nor more than three and one-quarter miles from the school house by the nearest public route shall be in zone number two; and children living at a greater distance than three and one-quarter miles from the school house by the nearest public route shall be in zone number three. In providing compensation for transportation the school board shall provide a maximum compensation per family for the first zone, and compensation per family for transportation from zone number two shall be one-half greater per family than for zone number one, and compensation per family for zone number three shall be twice the compensation per family for zone number one.

Provided, that when provision has been made for the transportation of pupils by the school board of any district agreeably to the provisions of this Chapter, the pupils residing therein shall be amendable to the provisions of law requiring the attendance at school of such pupils. *Provided*, further, that the provisions for transportation shall not apply to deaf, blind and feeble-minded children in this state, and this Section shall not be construed to apply to parents, guardians, or other persons having control of any child or children between the ages of eight and fifteen, who desire to send such child or children for a total period of not exceeding six months, which may be taken in one or more years, to any parochial school for the purpose of preparing such child or children for certain religious duties. It shall be the duty of the clerk of the school board to include in his annual statement an item setting forth the amount spent for the transportation of pupils.

Approved March 11, 1913.

CHAPTER 268.

[S. B. No. 51—Cashel.]

HIGH SCHOOL AID.

AN ACT to amend and Re-enact Sections 1031, 1032, 1033, 1034, 1035, 1036, 1037 of the Revised Codes of 1905, Relating to Education, as Amended by Chapter 99 of the Session Laws of 1907 and Chapter 267 of the General Laws of 1911; and to Amend Sections 1, 2, 3, 4, 5, of Chapter 40 of the General Laws of 1911, and to Repeal Section 6, 7, 8, 9, 10, 11 of Chapter 40 of the General Laws of 1911.

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

§ 1. That Section 1031 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1031. STATE BOARD OF EDUCATION. POWERS.] The state board of education shall have general supervision over secondary education in the state, and shall perform the duties and have and exercise the powers hereinafter mentioned.

§ 2. That Section 1032 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1032. SCHOOLS CLASSIFIED.] Any public graded school in any city or incorporated village or township, organized into a district, under the township or district system, which shall give instruction according to the terms and provisions of this Act, and shall admit pupils of either sex from any

part of the state without charge for tuition in the secondary school or high school department, shall be entitled to be classified as a state high school, and to receive pecuniary aid as hereinafter specified; *provided*, however, that no such school shall be required to admit non-resident pupils unless they pass an examination in orthography, reading in English, penmanship, arithmetic, language and grammar, modern geography and the history of the United States; *provided*, however, that in case of state high schools having an agricultural department, pupils pursuing courses in said department shall be admitted into the seventh and eighth grades, and secondary school department without charge for tuition.

§ 3. That Section 1033 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1033. REQUIREMENTS FOR CLASSIFICATION.] The said board shall require of the schools applying for such pecuniary aid compliance with the following conditions, to-wit:

1. That there shall be adequate school buildings conforming to modern approved ideas respecting heating, lighting, ventilation and sanitation, and under no circumstances shall aid be given to or continued when the board of education fails to or refuses to comply with reasonable requirements of this character.

2. That there shall be regular and orderly courses of study in the eight grades of the elementary school, together with all subjects prescribed by the said board for the first two years of the secondary school curriculum.

3. That the said secondary school receiving pecuniary aid under this Article shall at all times permit members of the state board of education, or any one appointed by said board, to visit and examine the classes pursuing said elementary and secondary school courses, and make recommendations concerning the conduct of such school.

4. That Section 1034 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1034. HIGH SCHOOL INSPECTOR. HOW APPOINTED. SALARY AND EXPENSES. SCHOOLS TO RECEIVE STATE AID. APPROPRIATION.] The state board of education shall appoint a high school inspector, upon the nomination of the superintendent of public instruction, who shall be a graduate of a college or a university of recognized standards, and shall have had five years of successful experience either as principal of a high school or superintendent of city schools in North Dakota. The board shall prescribe his duties. His term of office shall be two years, provided that the inspector appointed in 1911 shall hold office for two years from July 1, 1911. The yearly salary of said inspector shall not exceed

two thousand dollars, as may be fixed by the state board of education. Such salary shall be payable monthly on warrant of the state auditor from the general fund of the state. It shall be the duty of the secretary of state board of education to notify the state auditor, prior to July 1st of each year, the amount of salary which has been fixed for the biennial period.

The state high school inspector shall receive his actual and necessary expenses incurred in the discharge of his official duties; such duties, under the direction of the state board of education, may take him outside of the state of North Dakota, and in such cases all his actual and necessary expenses shall be paid. These expenses, which shall not exceed twelve hundred (\$1,200.00) dollars in any given year, shall be paid from the general fund of the state upon itemized vouchers properly approved.

The said state high school inspector, under the direction of the state board of education, shall carefully inspect the instruction, discipline and all conditions affecting the efficiency of the high schools of the state receiving aid under this article, and make a written report on the same; *provided*, that no money shall be paid in any cases until such report shall have been received, examined and the work of the school approved by the board. The said board shall receive applications from such schools for aid as hereinafter provided, which applications shall be received and acted upon in the order of their reception. The said board shall apportion to each of said schools, which shall have fully complied with the provisions of this article, and whose applications shall have been approved by the board, the following sums, to-wit: Two thousand five hundred dollars for the school year 1913-14 to each of seven schools having an agricultural, manual training and domestic economy department; and after the school year of 1913-14, the sum of two thousand five hundred dollars each year to each ten schools having an agricultural, manual training and domestic economy department; eight hundred dollars each year to each school maintaining a four-year high school curriculum and doing four years of high school work; the sum of five hundred dollars each year to each school having a three-year high school curriculum and doing three years of high school work; and the sum of three hundred dollars each year to each school having a two-year high school curriculum and doing two years of high school work; *provided*, that the moneys so apportioned to any high school shall be used to increase the efficiency of the high school work; *provided*, also, that the state board of education may require that forty per cent of the money appropriated shall

be used in any one year for libraries, laboratories and other apparatus and equipment; *provided*, further, that the total amount of apportionment, expenses and salary under this Act, except salary and expenses of the inspector provided for above, shall not exceed seventy-seven thousand five hundred dollars in the school year 1913-14, and eighty-five thousand dollars in each succeeding year. The sum of seventy-seven thousand five hundred dollars for the year July 1, 1913-14, and thereafter the sum of eighty-five thousand dollars, is hereby appropriated annually for the purpose of this Act, to be paid out of any moneys in the state treasury not otherwise appropriated, which amount, or so much thereof as may be necessary, shall be paid upon the itemized vouchers of said board, duly certified and filed with the state auditor; *provided*, that in case the amount appropriated and available under this Article for the payment of aid to such schools shall in any year be insufficient to apportion each of such schools as are entitled thereto the full amount intended to be apportioned to the high schools of the various classes, then, in such case, two thousand five hundred dollars shall be apportioned to each of the seven or ten schools having an agricultural, manual training and domestic economy department, and the remainder of such amount as is appropriated and available shall be apportioned pro rata among the schools entitled thereto; *provided*, further, that with the approval of the state board of education, the money appropriated by the state to the high schools designated to maintain departments of agriculture, manual training and domestic economy may be used for the extension of agricultural education and demonstration outside of the district in which the school is located, within the limits of efficiency.

§ 5. That Sections 1, 2, 3 of Chapter 40 of the General Laws of 1911 are hereby revised to read as follows:

SCHOOLS TO MAINTAIN DEPARTMENTS OF AGRICULTURE. HOW DESIGNATED. REQUIREMENTS.] Any state high school having satisfactory rooms, equipment and a tract of land of at least ten acres within one mile of the school house, having shown itself fitted by location and otherwise to do agricultural work; having trained instructors in agriculture, manual training and domestic economy; maintaining well organized short courses and agricultural, manual training and domestic science and art courses, and meeting such other requirements as the state board of education may define, shall upon application be designated by said board to maintain an agricultural department; *provided*, that the high schools now designated and those hereafter designated to maintain departments of agriculture, manual training and

domestic economy shall continue to be so designated and aided so long as they comply with the rules and regulations of the state board of education and perform satisfactorily the work contemplated by this Section.

§ 6. That Sections 4 and 5 of Chapter 40 of the General Laws of 1911 are hereby revised to read as follows:

NATIONAL AND STATE AID. ONE SCHOOL IN COUNTY.] In addition to the state aid of two thousand five hundred dollars herein provided for a state high school having an agricultural department as defined in Section five of this Act, shall receive its proportionate share of all moneys appropriated by the national government for the teaching of elementary or secondary agriculture in the public or high schools of this state; *provided*, that said high schools having an agricultural department shall not receive more than two thousand five hundred dollars of aid from the state under this Act; *provided*, further, that no more than one high school in any county shall be designated a state high school having an agricultural department and receiving two thousand five hundred dollars state aid.

§ 7. Section 1035 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1035. COMPENSATION OF BOARD MEMBERS, CLERICAL SERVICE, SALARY, EXPENSES.] The ex-officio members of the board shall serve without compensation, but the appointive members shall receive a per diem of three dollars while actually on duty as members of the board.

The necessary expenses of all members of the board while on duty as members, salary and expenses of the clerical help of the examiner and of the readers of the state board of education examination papers, and other necessary expenses of administration, shall be paid from the "State High School Aid" fund, and in the manner provided by law for salaries and expenses of other state officers.

§ 8. That Section 1036 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1036. ANNUAL MEETING. ORGANIZATION. POWERS. ASSISTANT EXAMINERS.] The board shall hold a regular meeting in the months of July, September, November, January, March and May of each year.

The board shall have full discretionary power to consider and act upon applications of schools for state aid, and to prescribe conditions upon which said aid shall be granted; and it shall be its duty to accept and aid such schools only as will, in its opinion, if aided, efficiently perform the service contemplated by law. The period for which a school shall be classified shall be one year. The board shall have power to establish any necessary and suitable rules and

regulations relating to qualifications of teachers and superintendents, to examinations, reports, acceptance and classification of schools, curricula, and other proceedings implied under this article. The examiner shall report the results of the state board of education examinations annually to the superintendent of public instruction, who shall publish the same in his biennial report. Readers of state board of education examination papers shall be appointed by the examiner of the state board of education, and shall be entitled to receive such compensation as the board may allow.

§ 9. That Section 1037 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1037. ANNUAL REPORT OF INSPECTOR. BOARD SHALL KEEP RECORD AND MAKE REPORT.] The said high school inspector shall make, on or before August 1st, an annual report to the state board of education concerning the previous school year, showing the names and number of schools receiving state aid, the number of pupils enrolled, and other matters as directed by the board, and the said board shall cause the same to be published. Said board shall keep a record of all proceedings, and shall biennially make a report to the governor of the receipts and disbursements, matters of general importance regarding the schools aided, and shall add any recommendations that it deems useful and proper. This report shall be included and made a part of the printed report of the state superintendent of public instruction.

§ 10. REPEAL OF SECTIONS OF CHAPTER 40.] Sections 6, 7, 8, 9, 10, 11 of Chapter forty (40) of the General Laws of 1911, and all Acts or parts of Acts in conflict with this Act, are hereby repealed.

Approved March 21, 1913.

CHAPTER 269.

[S. B. No. 339—Joint Sub-Committee on Education.]

COUNTY TREASURER'S SCHOOL ACCOUNTS.

AN ACT to Amend and Re-enact Section 113 of Chapter 266 of the Session Laws of 1911, Relating to County Treasurer's Accounts Kept with School Corporations.

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

§ 1 AMENDMENT.] That Section 113 of Chapter 266 of the Session Laws of 1911 be and the same is hereby amended and re-enacted so as to read as follows;

§ 113. COUNTY TREASURER TO KEEP ACCOUNTS WITH THE SCHOOL CORPORATION.] Each county treasurer shall keep a regular account with each school corporation, in which he shall charge himself with all taxes collected by levy of the district school board and all sums apportioned to the district by the county superintendent or other authority and all sums received from the district, and he shall credit himself with all payments made to the treasurer of the district, distinguishing between the items paid by apportionment, those from county taxes and those from other sources. He shall also credit himself with all payments for redemption or endorsement of warrants in the collection of taxes and shall deliver to the district treasurer a duplicate tax receipt for the amount of each warrant so indorsed or redeemed, together with all warrants so redeemed at the time of making other regular payments to the district treasurer. To these credits, to balance the accounts, he shall add all items for legal fees, for collection and other duties. He shall annually on the first day of July file with the county superintendent of schools an itemized statement of all funds remitted by him during the preceeding school year to each of the respective school district treasurers. On the same day he shall also send statements to each of such treasurers itemizing the payments made by him during such time to such respective treasurers. Also, he shall, on the same day, send to each district clerk a copy of the statement which he sends to the treasurer of that district.

Approved March 11, 1913.

SHERIFFS

CHAPTER 270.

[H. B. No. 76—Bass.]

PROVIDING FOR APPOINTMENT OF SHERIFF'S DEPUTIES.

AN ACT to Amend Section 4 of Chapter 275 of the Session Laws of the State of North Dakota for the Year 1911, Relating to the Office of Sheriff, and Providing for Deputies.

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

§ 1. AMENDMENT.] That section 4, of Chapter 275 of the Session Laws of the State of North Dakota of 1911 be re-enacted and amended to read as follows:

§ 4. DEPUTIES.] If in the judgment of the board of county commissioners of any county it shall be necessary for the prompt dispatch of business in the sheriff's office they shall by resolution provide for appointment by the sheriff of a deputy, or deputies, and clerks, and the time for which they shall be employed, and fix the compensation which they shall receive, which shall be paid monthly in the same manner as the salary of sheriff. Provided, that no such deputy or clerk shall receive less than sixty dollars nor more than one hundred dollars per month, except that in all counties having a population of more than thirty-three thousand according to the last census the chief deputy sheriff shall receive a salary of one hundred twenty-five dollars per month. Provided, that the sheriff shall appoint in each commissioner district of his county, except in commissioner districts where a salaried deputy is located, at least one deputy, whose compensation shall be such mileage and livery fees only as are now provided by law.

Approved February 26, 1913.

SNUFF

CHAPTER 271.

[S. B. No. 98—Thoreson.]

PROHIBITING MANUFACTURE AND SALE OF SNUFF.

AN ACT to Prohibit the Importation, Manufacture, Distribution, Transportation or Sale of Snuff or any Substitute Therefor, and Providing a Penalty Therefor, and to Repeal Chapter 277 of the Session Laws of North Dakota of 1911.

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

§ 1. SALE OF SNUFF PROHIBITED.] It shall be unlawful for any person, firm or corporation to import, manufacture, distribute, transport, sell, offer for sale, or to have in possession for sale, or to give away any snuff or any substitute therefor, under whatever name called, and as defined in this Act.

§ 2. SNUFF DEFINED.] For the purpose of this Act, snuff is defined as any tobacco that has been fermented, or dried, or flavored, or pulverized, or cut, or scented, or otherwise treated, or any substitute therefor or imitation thereof, intended to be taken by the mouth, or nose. *Provided* however, that ordinary plug, fine cut, or long cut chewing tobacco as now commonly known to the trade of this state, shall not be included in such definition.

§ 3. OFFICERS TO ENFORCE.] It shall be the duty of the state's attorneys, sheriffs, police officers, health officers, and the food commissioner to enforce the provisions of this statute, and for the purpose thereof they shall have ingress and egress to all places of business where it is believed that snuff, as hereinbefore defined, is kept in violation of this act. Grand juries and state's attorneys shall have full inquisitorial powers over offenses committed under this act, and state's attorneys shall make investigation and conduct prosecutions when proper evidence is furnished to them.

§ 4. REPEAL.] Chapter 277 of the Session Laws of North Dakota of 1911 is hereby expressly repealed.

§ 5. PENALTY.] Any person or persons violating the provisions of this statute or who aids another to violate the same shall be guilty of a misdemeanor and on conviction shall be fined not less than \$500.00 nor more than \$1,000.00 for the first offense, and for each subsequent conviction shall be confined in jail for not less than six months.

Approved March 7, 1913.

SOLDIERS' HOME

CHAPTER 272.

[H. B. No. 311—Streeter.]

SOLDIERS' HOME FUNDS.

AN ACT to Amend Section 1217 of the Revised Codes of 1905, Relating to Funds of Soldiers' Home, How Kept.

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

§ 1217. FUNDS. HOW KEPT. PREMIUMS FOR INSURANCE. HOW PAID.] All moneys that may arise from the interest received on all moneys derived from the sale of lands appropriated for such home, including all moneys received from the rental of such lands, and all moneys hereafter appropriated for such home by this state, and all moneys received from other sources, shall be deposited with the State Treasurer, to be by him transmitted at least once in every sixty days to the institution treasurer, if he shall have qualified as provided by law; and such money, when received by such institution treasurer, shall be used exclusively for the benefit of such home as provided by law. *Provided*, that the cost for insurance on the buildings, furniture and equipment of said Soldiers' Home shall be paid from the funds of said institution, known as "The Soldiers' Home Fund."

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 13, 1913.

STALLION REGISTRATION

CHAPTER 273.

[H. B. No. 267—Moen.]

STALLION REGISTRATION.

AN ACT to Amend Sections 1, 2, 3, and 5 of Chapter 279 of the Session Laws of 1911, Entitled, "An Act to Amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909."

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

§ 1. AMENDMENT.] That Section 1 of Chapter 279 of the Session Laws of 1911, being Section 1 of Chapter 161 of the Session Laws of 1909, be, and the same is hereby amended and re-enacted to read as follows:

§ 1. LICENSES. DEFINITION.] No person, firm, company or corporation, shall stand or travel for profit or gain any stallion or jack to be mated with any mare other than mares owned by the owner of such stallion or jack, or sell, offer for sale, exchange or transfer, any stallion or jack to be used for the above purposes, unless and until the owner of such stallion or jack shall have caused the name, description and pedigree of such stallion or jack to be enrolled by the Stallion Registration Board. which board is provided for in Section 2 of said Chapter 161 of the Session Laws of 1909.

The word "stallion" whenever used in this Act shall be construed to include the term "jack" as well.

§ 2. AMENDMENT.] That Section 2 of Chapter 279 of the Session Laws of 1911, being Section 3 of Chapter 161 of the Session Laws of 1909, be and the same is hereby amended and re-enacted to read as follows:

§ 3. VETERINARY INSPECTION AND VERIFICATION OF BREEDING, STANDARD FOR VERIFYING PEDIGREE.] In order for the owner of a stallion to secure the license herein provided for, the stallion must pass a veterinary examination as herein provided for, and be free from all infectious, contagious or transmissible disease or unsoundness. The owner of such stallion must also furnish to the Stallion Registration Board. the stud book registry certificate of pedigree of the stallion. and all necessary papers relating to the breeding and ownership of such stallion. Upon veri-

fication of pedigree and certificate of breeding, in case of pure bred, grade and cross bred stallions, provided the stallion has passed the necessary veterinary inspection, as provided for in this act. a license certificate shall be issued by said board. The presence of any one or more of the following named diseases shall disqualify a stallion from public service and the following named diseases are hereby defined as infectious, contagious, or transmissible diseases and unsoundness for this act: cataract, amaurosis, larynegal hemiplegia (roaring or whistling), string halt, glanders, sidebone, farcy, maladie du coit, urethral gleet, mange, bone spavin, ringbone and curb when accompanied by curby hock. The Stallion Registration Board shall refuse certificate of enrollment to any stallion affected with any of these diseases specified, and shall revoke a previously issued license certificate of enrollment to any stallion affected with any of these diseases specified. and shall revoke a previously issued license certificate of any stallion found upon examination to be so affected.

Provided, however. that in event a pure bred stallion, previously licensed, is found upon re-inspection at the stated time as provided for in Section 10 of Chapter 161 of the Session Laws of 1909, to be affected with any unsoundness or disease indicated in this section, the Stallion Registration Board may grant the owner or owners of said stallion a license on condition that the result of the veterinary examination be expressed in the license. Said unsoundness to be set in black faced type of a size not smaller than the type used in the body of the license. The owner or owners of any grade, scrub or mongrel stallion found to be affected with any unsoundness or disease specified herein on the re-inspection provided for in said Section 10 of Chapter 161 of the Session Laws of 1909, shall be refused a license certificate.

The Stallion Registration Board or its authorized agents shall recognize as pure bred and registered only such stallions as have been recorded in some stud book. the standing and merit of which has been approved, passed upon, and placed upon a recognized list by the Stallion Registration Board.

§ 3. AMENDMENT.] That Section 3 of Chapter 279 of the Session Laws of 1911. being Section 5 of Chapter 161 of the Session Laws of 1909, be. and the same is hereby amended and re-enacted to read as follows:

§ 5. METHOD OF CARING FOR PROTESTS.] Whenever a stallion has been rejected by the Stallion Registration Board

and the owner is not satisfied with the decision of the members of said board, the owner may file with said board a protest accompanied by a deposit of twenty-five dollars, either in currency or a certified draft, against the decision of said board or its official inspector, and a sworn statement from a qualified graduate veterinarian, stating that he has examined the stallion in question and found said stallion free from the unsoundness or disease for which said stallion was previously refused a license certificate; whereupon an examination of the stallion shall be made by three experts, one expert to be appointed by the Stallion Registration Board, one by the owner of the stallion, and the third to be chosen by the other two experts already appointed, but all such experts shall be graduates of recognized veterinary schools. In case all three or any two of the experts declare the stallion eligible to receive a license, then the expense of the consultation shall be paid by the Stallion Registration Board out of funds as provided for in Section 12 of Chapter 161 of the Session Laws of 1909; or if three or any two of the experts declare the stallion to be ineligible in accordance with the provisions of this act, the expense incurred shall be paid out of the deposit as herein provided for, any part remaining thereof to be returned to said owner.

§ 4. AMENDMENT.] That Section 5 of Chapter 279 of the Session Laws of 1911, being Section 13 of Chapter 161 of the Session Laws of 1909, be, and the same is hereby amended and re-enacted to read as follows:

§ 13. PROCEDURE TO OBTAIN LIEN, PENALTY AND FORECLOSURE.] The owner of any stallion who shall have complied with all of the provisions of this law, shall have a lien upon the offspring and upon the mare served, upon filing at any time within 12 months after the service, in the office of the Register of Deeds of the county in which said mare was kept at the time of service, a statement of the account thereof, together with a description of the mare served. Such lien shall exist for a period of one year from the filing of such statement, and shall have priority over all other liens or incumbrances upon the offspring; such lien shall attach at the time of service of such stallion and shall not be lost by reason of the sale, exchange or removal from the county in which such mare was kept at the time of service, or other disposition without the consent of the person holding the lien.

Every person having in his possession or under his control any mare and offspring upon which there is known to him to be an existing lien for the service of a stallion as provided for herein, who removes from the county, con-

ceals, sells, or in any manner disposes of, otherwise than as prescribed by law. such mare or offspring without the consent of the holder of such lien. is guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than twenty-five dollars and not more than fifty dollars.

At any time after the filing of such lien when the amount therein specified shall have become due, the lien may be enforced by a sale of property covered thereby, upon the notice and in the manner provided for the foreclosure of mortgages upon personal property, and costs and fees for such foreclosure shall be the same. as provided for in Section 7507 of the Code of Civil Procedure of the Revised Codes of 1905.

§ 5. MONGREL AND SCRUBS NOT TO BE LICENSED AFTER JANUARY 1, 1916.] It is hereby provided that after January 1, 1916. no scrub or mongrel stallion shall be enrolled and licensed as provided in Chapter 161 of the Session Laws of 1909, as amended by Chapter 279 of the Session Laws of 1911 and amendments thereto. All licenses for mongrel or scrub stallions issued before that date shall be continued in force if properly renewed. however providing the said stallions meet the requirements provided for by such law.

§ 6. IMPORTATION OF STALLIONS.] Every person, firm or company importing any stallion into the state of North Dakota for breeding purposes shall first secure a certificate from a recognized state or federal veterinarian, certifying that said stallion is free from any or all of the diseases or unsoundness refered to in Section 3 of this Act. A copy of such certificate must be mailed to the secretary of the Stallion Registration Board at least five days before the importation of such stallions into the state.

§ 7. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 8. EMERGENCY.] Whereas, an emergency exists for the passage of this law, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14. 1913.

STATE OFFICERS

CHAPTER 274.

[S. B. No. 239—Elken.]

EXAMINATION OF STATE OFFICES.

AN ACT to Authorize the State Examiner to Make Examination of State Offices.

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

§ 1. The State Examiner is authorized and empowered, and it is made his duty to at least two times each year examine each state office and to make and file in his office a full report thereof, which report shall be open to inspection.

Approved March 1, 1913.

STATE BOARD BAR EXAMINERS

CHAPTER 275.

[S. B. No. 53—Turner.]

STATE BOARD OF BAR EXAMINERS.

AN ACT to Amend and Re-enact Section 492 of the Revised Codes of North Dakota for the Year 1905, Relating to the State Board of Bar Examiners.

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

§ 1. AMENDMENT.] Section 492 of the Revised Codes of North Dakota for the year 1905 is amended and re-enacted so as to read as follows:

§ 492. EXAMINATION FEE, HOW APPLIED.] The said board shall receive from each person applying for examination the sum of twenty dollars as a fee therefor, and all fees received by said board shall be deposited with the treasurer of said board and applied towards the expenses and compensations of the respective members of such board. The secretary of said board shall be allowed such compensation for expenses and services from the fees so received as the said board may determine upon the admission to the bar of any such person so examined, as herein provided, no fee shall be required therefor.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists in that the next examination may be held by said board in the month of June, 1913; and, whereas, it is important that the fees to be paid by all future applicants for admission to the bar should be uniform, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 17, 1913.

STATE BOARD VET. EXAMINERS

CHAPTER 276.

[H. B. No. 321—Morrison.]

FEES AND COMPENSATION, STATE BOARD OF VETERINARY EXAMINERS.

AN ACT to Amend Section 2020 of the Revised Codes of 1905, Relating to Registration Fees and Compensation of the State Board of Veterinary Examiners, and the Amendment Thereto, Chapter 282, Session Laws of 1911.

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

§ 1. AMENDMENT.] Section 2020 of the Revised Codes of North Dakota for the year 1905, and the amendment thereto, Chapter 282, Laws of 1911, are hereby amended to read as follows:

§ 2020. DIPLOMAS AND CERTIFICATES.] Persons presenting diplomas or certificates for examination and registration shall pay to the secretary of said board a fee of fifteen dollars in advance, and annually thereafter, for such time as he shall continue in practice, on such dates as the board may determine, pay a renewal registration fee of three dollars. This renewal registration fee of three dollars applies to and shall be paid by all practicing veterinarians heretofore or hereafter registered under this article. The fees received by said board shall be paid to the State Treasurer within thirty days after the receipt of same; said fees shall constitute a special fund for the payment of the expense incurred by the state board of veterinary examiners in carrying out and enforcing the meaning of this act. Each member of said board shall receive from the State Treasurer the sum of five dollars a day for each day actually engaged in attending meetings of said board, and all necessary traveling expenses actually incurred in attending such meeting. The secretary of said board shall also receive the sum of five dollars a day for each day actually engaged as a witness in cases of prosecution that originate under this act. The secretary shall certify to the State Auditor after each meeting of the board the amount due each member for services and necessary expenses in attending such meetings and necessary expenses of said board. The State Auditor shall thereupon issue his warrant on the State Treasurer for such sum, providing there has been a sufficient sum paid into the treasury in fees to

redeem said warrants. Nothing in this article shall be so construed as to prevent any person who has been registered and who may have forfeited his registration by non-payment of fees from renewing his registration within two years by paying such fees without examination.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 6, 1913.

SUPREME COURT

CHAPTER 277.

[S. B. No. 284—Overson.]

SUPREME COURT, TERMS OF.

AN ACT to Amend and Re-enact Chapter 72 of the Session Laws of 1909, Relating to the Times and Place of Holding General Terms of the Supreme Court, and Providing for Special Terms, and to Fix the Time in Which Appeals Shall be Heard.

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

AMENDMENT.] That Chapter 72 of the Session Laws of 1909 is hereby amended and re-enacted to read as follows:

§ 1. There shall be four general terms of the supreme court held at the seat of government each year, to be known as the March, June, September and December terms, each of said terms to be held on the first Tuesday of each of said respective months; *provided*, that nothing herein contained shall prevent the holding of special terms at cities other than Bismarck, whenever, in the opinion of the court, or a majority of the judges thereof, the public interests require a special term to be held elsewhere, which special term shall be held at a time and place to be determined and after the giving of ten days' notice thereof by advertisement in a newspaper published at the seat of government.

§ 2. At each of said general terms of the supreme court, all cases shall be placed on the calendar of said court, and be liable for call for argument and final disposition, in which the record on appeal has been filed in said court not less than twenty days prior to the first day of said term.

§ 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 11, 1913.

TAXATION

CHAPTER 278.

[H. B. No. 129—O'Connor.]

RELATING TO PARTIAL PAYMENT OF TAXES.

AN ACT to Amend Section 2478 of the Revised Codes of 1905 Relating to Partial Payment of Taxes.

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

§ 1. AMENDMENT.] That Section 2478 of the Revised Codes of 1905 be amended so as to read as follows:

§ 2478. PARTIAL PAYMENT OF TAXES AND SPECIAL ASSESSMENTS. HOW MADE.] When any person shall desire to pay only a portion of the taxes or special assessments charged on any real property, such person shall pay a like proportion of the several taxes and special assessments charged thereon, and no person will be permitted to pay one of said taxes or special assessments without paying the others, except taxes and special assessments the collection of which shall have been enjoined by law.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no law providing for the partial payment of special assessments, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 20, 1913.

CHAPTER 279.

[H. B. No. 422—Harty.]

TERMINAL ELEVATORS.

AN ACT to Provide Funds for the Erection, Purchase, Lease or Establishment of a Terminal Elevator System in the State of Wisconsin, or in the State of Minnesota, or in Both Said States, and for the Maintenance and Operating of the Same, and for the Establishment of Additional Duties of the Board of Control of State Institutions in Relation Thereto.

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

§ 1. There shall be levied upon each dollar of assessed valuation of all taxable property within this state, for the year of 1914 and the year 1915 and the year 1916, and to be

paid during said years, one-eighth of one mill on every dollar; and all such revenue as may be collected under such levy shall be covered into a special fund to be known as the "State Terminal Elevator Fund," which shall be used for the following and no other purpose, viz: For the erection, purchase, leasing, equipment, maintenance and operation of a terminal elevator system or systems in the State of Minnesota, or in the state of Wisconsin, or in both said states, and for the operation of the same.

2. It shall be the duty of the board of control, in addition to all other duties imposed upon them by law, to investigate the matter of the location of such elevators and costs of buildings and sites, and to submit plans and specifications of buildings and equipment, machinery and methods and rules of operation of the same to the 1915 Legislative Assembly of this state, it being the duty of the board of control under this Act to devise methods of operation and submit plans and specifications covering in detail the establishment of a terminal elevator system in the states mentioned herein, with recommendations as to the most favorable location, and estimates of the cost of such system or systems.

Approved March 15, 1913.

CHAPTER 280.

[S. B. No. 23—Talcott.]

PROPERTY EXEMPT FROM TAXATION.

AN ACT to Amend Chapter 290 of the Laws of 1911, Relating to Property Exempt from Taxation.

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

§ 1. AMENDMENT.] Chapter 290 of the Laws of 1911, is hereby amended to read as follows:

§ 1484. PROPERTY EXEMPT FROM TAXATION.] All property described in this Section to the extent herein limited shall be exempt from taxation, that is to say:

1. All public school houses, academies, colleges, institutions of learning, with the books and furniture therein, and the grounds attached to such buildings necessary for their proper occupancy, use and enjoyment, not to exceed forty acres in area, and not leased or otherwise used with a view to profits; also all houses used exclusively for public worship and the lots and parts of lots upon which such houses are erected.

2. All land used exclusively for burying grounds or cemeteries.

3. All property, whether real or personal, belonging exclusively to the state or to the United States.

4. All buildings belonging to the counties, used in holding courts, for jails, for county offices, with the ground, not exceeding in any county ten acres, on which buildings are erected.

5. All land, houses and other buildings belonging to any county, township or town, used exclusively for the accommodation or support of the poor.

6. All buildings and contents thereof, belonging to institutions of public charity, including public hospitals under the control of religious or charitable societies, used wholly or in part for public charity, together with the land actually occupied by such institution, not leased or otherwise used with a view to profit; and all moneys and credit appropriated solely to sustaining and belonging exclusively to such institutions; also all dormitories and boarding halls, including the land upon which they are situated, owned and managed by a religious corporation for educational and charitable purposes for the use of students in attendance upon the state educational institutions; *provided*, that such dormitories and boarding halls be not managed or used for the purpose of making a profit over and above the costs of maintenance and operation.

7. All properties belonging to counties and to municipal corporations that are used for public purposes.

8. Personal property of each individual subject to taxation to the amount of fifty dollars.

9. The personal and real property owned by charitable associations known as posts, lodges, chapters, councils, commanderies, consistories, and like organizations and associations not organized for profit, grand or subordinate, and used by them for places of meeting, and to conduct their business and ceremonies; *provided*, however, that such property is used exclusively for such charitable purposes, *provided*, further, all personal and real property owned by any fraternity, sorority or organization of college students.

10. The real and personal property of any agricultural fair association, duly incorporated for the exclusive purpose of holding agricultural fairs, and is not conducted for profit to any of its members.

Approved March 12, 1913.

TAX DEEDS

CHAPTER 281.

[S. B. No. 177—Hookway.]

TAX DEEDS.

AN ACT to Provide for the Execution of Tax Deeds for Lands Sold for Delinquent Taxes Under the Provisions of Section 1576 of the Revised Codes of North Dakota for 1905, and Acts Amendatory Thereof, and to Prescribe the Form and to Define the Effect of All Such Deeds and the Title Thereby Conveyed.

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

§ 1. At the expiration of the time for redemption of lands sold for delinquent taxes and after the filing of the proof of notice of expiration of period for redemption, as provided in Section 1608 of the Revised Codes of North Dakota for 1905, and on production of the certificate of purchase the county auditor of the county in which the sale of such lands took place shall execute to the purchaser, his heirs or assigns, in the name of the state, a deed of the land remaining unredeemed, which shall vest in the said purchaser, his heirs or assigns, an absolute estate in fee simple in such land, subject, however, to all the claims which the state may have thereon for taxes, or other liens or incumbrances; and such deeds shall be executed by the county auditor under his hand and the seal of the county, and such deed shall be conclusive evidence of the truth of all the facts therein recited and prima facie evidence of the regularity of all the proceedings from the assessment and valuation of the land by the assessor up to the execution of the deed, and such deed shall be substantially in the following or other equivalent form:

“Whereas,, did on the day of, A. D., 19...., produce to the undersigned,, county auditor of the county of, in the state of North Dakota, a certificate of purchase, in writing, bearing the date of the day of A. D. 19...., signed by, who at the last mentioned date was county auditor of said county, from which it appears thatdid on the.....day of..... A. D., 19...., purchase at public auction at the office of the county auditor (or the usual place of holding court in

the same building) the tract, parcel or lot of land lastly in this indenture described, and which lot was struck off and sold to for the sum of dollars, being the total amount of taxes, penalites and costs charged against said land, including any personal taxes specified in the lists and in the advertisement, constituting a lien thereon for the year (or years), 19...., to-wit: (Herein insert the description of the land offered for sale); and that the said did at the time and place of said public auction, as a part of his bid, agree to accept the lowest rate of interest on the amount of such taxes, penalties and costs so paid by him, to-wit: The rate of per cent, per annum, and it appearing that the said is the legal owner of the said certificate of purchase, and the time fixed by law for reedeming the land herein described having now expired and proof of legal notice of expiration of the period of redemption having been filed in the office of the count auditor prior to the maturity of such certificate as provided by law, and said land not having been redeemed from such purchase pursuant to law, and the said having demanded a deed for the tract of land mentioned in said certificate; and it appearing that said lands were legally liable for taxation, and had been duly assessed and properly charged on the tax book or duplicate for the year (or years), A. D. 19...., and that said lands had been legally advertised for taxes and were sold on the day of A. D., 19...., to the said

Now, therefore, this indenture, made this day of A. D., 19...., between the state of North Dakota, by, as county auditor of the said county, party of the first part, and the said, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the premises and the sum of one (1) dollar, in hand paid, has granted, bargained and sold and by these presents does grant, bargain, sell and convey unto the said party of the second part, heirs and assigns, forever, the tract or parcel of.....of land mentioned in said certificate, and described as follows, to-wit:

.....

 in county, in the state of North Dakota.

TO HAVE AND TO HOLD SAID mentioned tract or parcel of land, with the appurtenances thereto belonging, to the said party of the second part,, heirs and assigns, forever, in as full and ample manner as the said county

auditor of said county is empowered by law to sell the same.

IN TESTIMONY WHEREOF, the said, as county auditor of the said count of, has hereunto set his hand and seal of the said county, on the day and year aforesaid.

(Seal)
County Auditor of,
North Dakota.”

Attest: (Seal).

Which deed shall be acknowledged by said county auditor before someone authorized by law to take acknowledgments of deeds, for which said deed said county auditor shall be entitled to a charge of fifty cents, to be paid by the grantee in such deed. In case the land is bid in for the county and the certificate assigned under the provisions of Section 1588 of the Revised Codes of North Dakota for 1905, the language of such deed inappropriate to such sales shall be stricken out and the following inserted in lieu thereof:

“Offer for sale to the bidder who agreed to accept the lowest rate of interest on the amount of such taxes, penalties and costs so paid, the following described tract or parcel of real property (insert description), which property was returned delinquent for the non-payment of taxes for the year 19...., amounting to dollars, including interest and penalty thereon and the costs charged against said land including personal property taxes specified in the list and in the advertisement constituting the lien thereon, for the year (or years) 19...., and no one bidding upon such offer an amount equal to that for which said piece or parcel of land was subject to be sold, the same was bid in for the county. And it appearing by said certificate that the right, title and interest of the county in said tract or parcel of land acquired therein at said sale was on the day of, 19...., assigned to for the sum of dollars, being the amount due thereon at that time.”

Which deed shall be acknowledged as aforesaid. In case the certificate of purchase is assigned by the purchaser then a statement shall be inserted in such tax deed briefly describing each assignment of such certificate, which may be in substantially the following or other equivalent form:

“And which said certificate of purchase issued to said, purchaser, at said tax sale and the right, title and interest of the said, purchaser in said tract or parcel of land acquired therein

at said sale was on the day of....., A. D., 19...., assigned to” Which said deed shall be acknowledged as aforesaid.

§ 2. Whereas, an emergency exists in this: That the supreme court of the state of North Dakota has held that tax deeds issued in the form prescribed by Section 1591 of the Revised Codes of North Dakota for 1905 are invalid, and for that reason there is now no adequate legislation covering the matter embraced by this act, therefore the same shall be in full force and effect from and after the date of its passage and approval.

Approved March 17, 1913.

TELEGRAPH AND TELEPHONE

CHAPTER 282.

[S. B. No. 152—Englund.]

TELEGRAPH MESSAGES.

AN ACT Relating to the Transfer of Messages by Telegraph Companies and Penalty for Violation Thereof.

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

§ 1. TRANSFER OF MESSAGES.] Every telegraph company, firm, or corporation engaged in the business of transmitting messages by telegraph, in this state, or partly within and partly without this state, shall upon receipt of a message within this state to a point not on its own lines, transmit and deliver such message to another telegraph company on whose line such point may be reached, at the interesting point where both such companies maintain an office for the transmission of messages which will, when the rate of both such companies are combined, make the cheapest route to the destination of such message, *provided*, however, that nothing in this act shall prohibit the transfer of such message at convenient or central points where both such telegraph companies may be better equipped, but in no case shall this rate exceed the combined rate of both companies at the nearest intersecting point, nor the transmission of such message partly by telephone, *provided* it is cheaper or more expedient, and agreeable to sender, when copy is delivered within reasonable time to addressee, if required.

§ 2. PENALTY.] Every telegraph company, firm or corporation violating the provisions of this act shall be fined

not less than ten dollars nor more than fifty dollars for each offense, and it shall be the duty of the state's attorney upon order from the state board of railroad commissioners, or upon the complaint of any citizen, to commence and prosecute all actions necessary for the enforcement of this act.

Approved March 13, 1913.

CHAPTER 283.

[S. B. No. 357—Hanley.]

DAMAGES FOR DELAYING MESSAGES.

AN ACT to Amend Section 5701 of the Revised Codes of North Dakota for 1905, Relating to Damages for Postponing or Refusing Messages.

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

§ 1. AMENDMENT.] Section 5701 of the Revised Codes of the state of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 5701. DAMAGES FOR POSTPONING, REFUSING OR DELAYING MESSAGES.] Every person whose message is refused, postponed or delayed, contrary to the provisions of this chapter is entitled to recover from the carrier his actual damages and additional damages for mental distress and anguish caused by said refusal, delay or postponement.

Approved March 12, 1913.

TIRES, MOTOR VEHICLES

CHAPTER 284.

[H. B. No. 82—Thompson.]

PNEUMATIC RUBBER TIRES.

AN ACT to Regulate the Manufacture of Pneumatic Tires for Motor Vehicles, and to Prevent Fraud and Deception in the Sale Thereof.

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

§ 1. RUBBER TIRES AND CASINGS TO BE MARKED.] No person shall sell, or offer for sale, any rubber tires or casings for use on motor vehicles unless the name of the manufacturer and the year in which the same was made are conspicuously and permanently marked thereon in raised type cast with the tire or casing. *Provided*, that this Act shall not become operative until January 1, 1914.

§ 2. VIOLATION A MISDEMEANOR.] Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor.

Approved March 13, 1913.

TOWNSITES

CHAPTER 285.

[H. B. No. 52—Williams.]

TOWNSITES ON PUBLIC LANDS.

AN ACT to Repeal Article 21 of Chapter 32, Entitled "Townsites Located on Public Lands," of the Revised Codes of 1905.

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

§ 1. That Article 21 of Chapter 32 of the Revised Codes of 1905, entitled, "Townsites Located on Public Lands," be and the same is hereby repealed.

Approved March 14, 1913.

TUBERCULOSIS SANITARIUM

CHAPTER 286.

[S. B. No. 245—Allen.]

TUBERCULOSIS SANITARIUM, COTTAGES AT.

AN ACT to Provide for the Establishment, Equipment and Government of a Cottage or Cottages on the Site at Dunseith of the State Tuberculosis Sanitarium by Any Fraternal Corporation or Society, Organized Under the Laws of This State or Authorized to Do Business in This State, for the Treatment of All Members of Such Corporation or Society, or Members of Their Families, Affected with Pulmonary Tuberculosis.

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

§ 1. Any fraternal corporation or society organized under the laws of this state or authorized to transact business in this state, is hereby empowered and authorized to build upon the site of the State Tuberculosis Sanitarium at Dunseith in the County of Rolette, a cottage or cottages for the treatment of members of such corporations or societies and their families affected with pulmonary tuberculosis.

§ 2. Any such fraternal corporation or society desiring to construct a cottage or cottages as provided in Section 1 of this act, may make an application in writing to the Board of Trustees of the State Tuberculosis Sanitarium at Dunseith, or other governing board, setting forth in such application a description of the cottage or cottages desired by such corporation or society to be erected on such site, and the said Board of Trustees or other governing board, and the Superintendent of the State Tuberculosis Sanitarium may permit such corporation or society to erect any cottage, or cottages, as they may deem proper, and to construct any necessary sewerage, water mains, electric light connections, telephone lines necessary for the use of such cottage or cottages so erected by such fraternal corporation or society; and the Board of Trustees or other governing board of the State Tuberculosis Sanitarium is hereby authorized to make a contract with such fraternal corporation or society for the furnishing of such cottage or cottages with heat, light, water, sewerage, as may be necessary to maintain said cottage or cottages, and may contract to furnish medical attendants, medicines, nurses, food and anything else necessary for the care and maintenance of the patients

in such cottage or cottages so erected as hereinbefore stated.

§ 3. All members of such corporation or society mentioned in Section 1, and all members (or) in their families affected with pulmonary tuberculosis, may be admitted to said cottage or cottages under rules prescribed by the governing body of such corporation or society, except as otherwise provided in this act; *provided*, however, that all incurable patients must be kept separate and apart from the curable patients under rules and regulations to be prescribed by the board of trustees of the State Tuberculosis Sanitarium, or other governing board.

§ 4. Such corporation or society may admit to such cottage, or cottages all patients eligible to admission to the state sanitarium, under Section 5 of Chapter 44 of the Session Laws of 1911, upon such terms as may be agreed upon by the trustees of the state sanitarium and the governing body of such corporation or society.

Approved March 11, 1913.

TRUSTS

CHAPTER 287.

[H. B. No. 122—Dean.]

UNFAIR COMPETITION.

AN ACT to Amend Sections 1, 2 and 4 of Chapter 258 of the Session Laws of 1907, Relating to Trade Discrimination and Unfair Competition.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 258 of the Session Laws of 1907, be amended to read as follows:

§ 1. UNFAIR COMPETITION.] Any person, firm or corporation, foreign or domestic, doing business in the state of North Dakota and engaged in the production, manufacture, distribution, purchase or selling of milk, cream, butter fat, grain or any commodity in general use that shall, with the intention of creating a monopoly, or of destroying the business of a competitor, or of any regular established dealer, or to prevent competition of any person who in good faith intends and attempts to become such a dealer, discriminate between different sections, communities, towns or cities, or portions thereof, in this state, by purchasing at a higher or selling at a lower rate or price in one section, community, town or city or portion thereof, in this state, than is paid

or charged by such person, firm or corporation for such milk, cream, butter fat, grain or commodity in general use in another section, community, town or city, or portion thereof, in this state, after making due allowance for the difference, if any, in the actual cost of transportation of such commodities, shall be guilty of unfair discrimination.

§ 2. AMENDMENT.] That Section 2 of Chapter 258 of the Session Laws of 1907 be amended to read as follows:

§ 2. FORFEITURE OF CHARTER.] If complaint shall be made to the attorney general that any person, firm or corporation, is guilty of unfair discrimination, as defined by this Act, he shall investigate the matter complained of, and for that purpose may subpoena witnesses, administer oaths, take testimony and require the production of books or other documents belonging to such persons, firm or corporation, and if, in his opinion, sufficient grounds exist therefor, he shall prosecute an action in the name of the state of North Dakota, in the proper court, to annul the charter or revoke the permit or license of such person, firm or corporation, as the case may be.

§ 3. AMENDMENT.] That Section 4 of Chapter 258 of the Session Laws of 1907 be amended to read as follows:

§ 4. PENALTY.] Any person, firm or corporation convicted of unfair discrimination shall be fined in any sum not less than two hundred dollars nor more than three thousand dollars.

§ 5. EMERGENCY.] An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved March 12, 1913.

VILLAGES

CHAPTER 288.

[S. B. No. 290—Jacobsen.]

TRUSTEES INCORPORATED VILLAGES.

AN ACT Extending the Powers of the Board of Trustees of Incorporated Villages, Relative to Sidewalks, Sewers, Paving and Water Mains.

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

§ 1. All powers now by law conferred upon the city council in Articles 17 and 18 of Chapter 30 of the Political Code of 1905 and all acts amendatory thereto, are given to the boards of trustees of incorporated villages.

Approved March 11, 1913.

CHAPTER 289.

[S. B. No. 86—Heckle.]

SPECIAL VILLAGE TAXES.

AN ACT to Authorize Trustees to Levy a Tax to Pay for Water and Light Plants Heretofore Installed.

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

§ 1. The board of trustees of any village in this state having before the passage of this act install a water and light plant in such village is authorized to levy a special tax sufficient to pay the cost therefor not exceeding in any case the sum of one per cent per annum upon the assessed valuation of all the taxable property within such village; said taxes shall be collected and paid over to the village treasurer the same as other taxes, and shall be used for no other purpose.

§ 2. EMERGENCY.] Whereas, there is no law authorizing village trustees to install water and light service, therefore an emergency exists, and this Act shall take effect upon its passage and approval.

Approved March 11, 1913.

CHAPTER 290.

[H. B. No. 229—Walsh.]

VILLAGE PARKS.

AN ACT Creating Park Districts for Villages and Providing for the Government thereof, Creating a Board of Park Commissioners, and Specifying the Power and Authority of Such Commissioners.

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

§ 1. PROCEDURE.] Any incorporated village of the State of North Dakota may, by a majority vote of its board of trustees by yeas and nays at a regular meeting thereof, take advantage of the provisions of this Act.

§ 2. CREATION OF PARK DISTRICTS.] Any village desiring to take advantage of this Act shall do so by ordinance or resolution regularly adopted, expressing its intent or desire so to do, whereupon the territory embraced in such village, or within the park which may be acquired under this Act if not within the village limits, shall be deemed and is hereby declared to be a park district of the state of North Dakota.

§ 3. HOW DESIGNATED. POWER OF.] Each park district under this Act shall be known as "Park District of the Village of....." and as such district shall have a seal and perpetual succession, with power to sue and be sued, contract and be contracted with, acquire by purchase, gift, devise or otherwise, and hold, own, possess and maintain real and personal property in trust for the purpose of parks, boulevards and ways, and to exercise all the powers herein designated, or which may hereafter be conferred upon it

§ 4. COMMISSIONERS, ELECTION THEREOF AND FILLING OF VACANCIES.] The powers of each park district shall be exercised by a board of commissioners consisting of three members, who shall hold office for a period of three years from and after the date of their election and qualification, except the members of the first board, who shall hold office as follows: One member until the first annual village election following their election; one member until one year from the last mentioned date, and one member until two years from such last mentioned date. The members of the park commission shall qualify by taking and filing with the village clerk the oath prescribed by Section 211 of the constitution. The village treasurer shall be ex-officio treasurer of the park district, and he shall take the oath prescribed by Section 211 of the Constitution, and shall furnish and file such bond as may be required by the commis-

sion. The members of the park commission shall be elected by the qualified electors of the village at the annual village election, and shall qualify within ten days after their election, and shall organize within ten days after so qualifying, by the selection of a president, vice-president and secretary. The first board may be elected at a regular or special meeting called therefor by the board of trustees of the village. The members shall receive no compensation for their services, and shall have the qualifications of electors of the village. They shall not be interested in any contract entered into by said commission. Vacancies on the board shall be filled by the remaining members of the board until the next regular village election when such vacancies shall be filled by election.

§ 5. POWERS OF THE COMMISSION.] The park commission shall have power:

(a) To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits or within one mile therefrom, for parks, boulevards and ways, and shall have sole and exclusive power and authority to maintain, govern, erect and improve the same.

(b) To lay out, open, grade, curb, pave and otherwise improve any path, way or street, in, through, or around said parks, and to construct, erect, build, maintain, manage govern, any and all buildings, pavilions, play and pleasure grounds or fields, and such other improvements (of) or a like character as they may deem necessary.

(c) To pass and promulgate all rules and regulations, either by ordinance or resolution, requisite and needful for the regulation and government thereof, and to, make, change and enforce any order with reference thereto.

(d) To levy special assessments on all property specially benefitted by the purchase, establishment and improvements of such parks, boulevards and ways, or streets, about the same.

(e) To employ such engineers, surveyors and clerks, or other employees, including such police force as may be necessary, and to define and prescribe their respective duties and to fix their compensation.

(f) To issue negotiable bonds of the park district in a sum not to exceed one and one-half per cent of the taxable property therein situated, for the sole and exclusive purpose of purchasing and acquiring lands for such parks, boulevards and ways, and for the permanent improvements thereof, including the erection of the necessary buildings, pavilions, play and pleasure fields; *provided*, however, that such bonds shall not bear a rate of interest to exceed six per cent per annum.

(g) To levy taxes upon all property within said district for the purpose of maintaining and improving said parks, boulevards and ways, and to defray the expenses of such board and their employees; *provided*, however, that such taxes so levied shall in no year exceed the sum of three mills on each dollar of taxable property within said district.

(h) To establish building and street lines for all property fronting on any park, boulevard, or way, under the direction and control of said commission, and to control the subdivision and platting of property within two hundred feet thereof.

(i) To borrow money in anticipation of taxes already levied to defray the expenses of the year, and to issue therefor warrants or other obligation of the district.

(j) To plant, to set out, maintain and protect, and care for shade trees in any of the public streets or highways of said parks or park districts, and to specify and regulate the kind of trees that shall be planted or set out in such streets or highways, the size and location of such trees and the method to be used in planting and cultivating the same, and to pass such resolutions or ordinances as may be necessary or needful for their control and protection.

§ 6. MEETINGS ARE HELD, ORDINANCES AND RESOLUTIONS.] The park commission shall hold a regular meeting on the first Monday of each and every month at such hour as it may deem most convenient, and such special meetings as it shall deem necessary. Special meetings may be called by the president, and shall be subject to the same regulations as the calling of special meetings of the board of trustees of the village. The powers of the commission shall be exercised by resolution or ordinance. All resolutions or ordinances shall be read once, and shall be adopted by the yeas and nays, be approved by the president and upon the same being published once in the official paper of the village, they shall go into effect within three days after the publication thereof. No expenditure of money, or levying of taxes, or the issuance of bonds, or other certificate of indebtedness, shall be made excepting upon the yeas and nays vote of the commission. The letting of all contracts shall be subject to the same regulations and restrictions as provided for the letting of contracts by the village, and shall be signed by the president and secretary. At no time shall the debt of the park district exceed five per cent of the taxable property within the district, according to the last preceding assessment. All bills, claims, and accounts or demands against said district shall be audited, allowed and paid in the same manner as bills against the village,

and no action of any kind shall be maintained unless such claim, bill or demand has been regularly presented.

§ 7. JUSTICE OF THE PEACE. JURISDICTION.] The village Justice of the Peace shall have the full and exclusive jurisdiction to try and determine all causes of action for the violation of any rules, ordinances or resolutions enacted by the board, and all procedure before the justice shall be the same as is now prescribed for the trying of offenses against the village ordinances.

§ 8. GENERAL LAWS GOVERN COMMISSION.] In the issuing of bonds, warrants, certificates of indebtedness, and in levying on taxes or special assessments, and in otherwise carrying on, enforcing, or making effective any of the powers herein granted, the park commissioners and their officers, and the park district, shall be governed by and shall follow the laws enacted for the government of villages, except as herein otherwise specially provided.

§ 9. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1913.

CHAPTER 291.

[S. B. No. 29—Cashel.]

VILLAGE TRUSTEES.

AN ACT to Amend Section 2864 of the Revised Codes of North Dakota for 1905, as Amended by Chapter 186 of the Session Laws of 1905, and Re-amended by Chapter 268 of the Session Laws of 1907, Relating to the General Powers of the Boards of Trustees of Incorporated Villages.

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

§ 1. That Section 2864 of the Revised Codes of North Dakota for 1905, as amended by Chapter 186 of the Session Laws of 1905, and re-amended by Chapter 268 of the Session Laws of 1907, be and the same is, amended and re-enacted so as to read as follows:

§ 2864. GENERAL POWERS.] The boards of trustees shall have the following powers:

1. To have a common seal and alter the same.
2. To purchase, hold or convey any estate, real or personal, for the use of the corporation, so far as such purchase may be necessary, to carry out the objects contemplated by this Chapter, to provide for the erection and care of all public buildings necessary for the use of the

village, to purchase such real estate as they may determine shall be necessary for the purposes of streets, alleys, parks and public grounds, and to sell and dispose of the same when the necessity therefor no longer exists, and to control the finances and property of the corporation.

3. To organize fire companies, hook and ladder companies, to regulate their government and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to make owners of buildings provide ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from execution, seizure or sale; and if the owner shall refuse to procure suitable ladders or fire buckets after reasonable notice, the trustees may procure and deliver the same to him; and in default of payment thereof may recover of said owner the value of said ladder and fire buckets, by suit before the justice of the peace of the village, and the costs accruing thereby; to regulate the storage of gunpowder and other material; to direct the construction of a place for the safe deposit of ashes; and may under any order by it entered upon the proper book of the board, visit, or appoint one or more fire wardens to visit, and examine, at all reasonable hours, dwelling houses, lots, yards, inclosures and buildings of every description, discover if any of them are in a dangerous condition, and provide proper remedies for such dangers; to regulate the manner of putting up stoves and stovepipes; to prevent out-fires and the use of fireworks and the discharge of firearms within the limits of said corporation, or such parts thereof as it may think proper; to compel the inhabitants of such village to aid in extinguishment of fire and prevent its communication to other buildings, under such penalties as are in this Chapter provided; to construct and preserve reservoirs, wells, pumps and other waterworks, and to regulate the use thereof and, generally to establish other measures of prudence for the prevention or extinguishment of fires as it shall deem proper.

4. To construct and keep in repair culverts, drains, sewers, catch basins, manholes and cesspools, and to regulate the use thereof, and to regulate the construction and use of any culvert, drain, sewer, catch basin, manhole or cesspool within the corporate limits and to declare what shall constitute a nuisance, and to abate and remove the same, and impose fines upon persons who may create, continue or suffer nuisances to exist, and take such other measures for the preservation of the public health as it shall deem necessary; to license, tax, regulate, suppress and prohibit hawkers, peddlers, salesmen, pawnbrokers,

keepers of ordinaries, and other exhibitions, shows and amusements within the corporation.

5. To regulate, restrain and prohibit the rununing at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax or license on dogs, not to exceed two dollars on each male dog and three dollars on each female dog owned or kept within such village.

6. To license, regulate, tax or prohibit and suppress pool, billiards, bagatelle, pigeonhole, or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys; to restrain, suppress and prohibit gambling and gambling houses. and other disorderly conduct and places, lotteries and all fraudulent devices and practices for the purpose or gambling or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, print, pictures or illustrations, and authorize the seizure and destruction of gambling apparatus; to suppress bawdy and disorderly houses, houses of ill fame or assignation within the limits of the village, and within one mile of the outer boundaries of the village.

7. To license, regulate or restrain auction establishments, traveling peddlers and public exhibitions within the corporation.

8. To establish and regulate markets and build market houses.

9. To lay out, open, grade and otherwise improve the streets, alleys, sewers, sidewalks and crossings, and to keep them in repair, and to vacate the same.

10. To appoint street commissioners and also fire wardens, not exceeding three.

11. To regulate the building and use of sidewalks and all structures thereunder; to require the owner or occupant of any premises to keep sidewalks in front of or along the same free from snow and other obstructions, and to prohibit the riding or driving thereon, except to cross the same; to provide for the building, use and regulation of cross-walks, curbs and gutters; to regulate and prevent the use of streets, alleys, sidewalks and public grounds for signs, signposts, awnings, telegraph and telephone poles, horse troughs, scales, racks, posting handbills and advertisements; to regulate and prevent the throwing or depositing of ashes, offal, manure, dirt, garbage or anything offensive in, and to prevent injury to any street, avenue, alley or public ground; to regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds or upon the sidewalk; to regulate and prevent the flying of flags, banners

or signs across the street or from houses; to regulate traffic and sales upon the streets, sidewalks and public places; to regulate the speed of horses and other animals, vehicles, bicycles, motorcycles, automobiles, cars, locomotives and traction engines within the limits of the corporation.

12. To establish and erect a jail for the confinement of disorderly persons, vagrants, tramps and idle persons, and persons convicted of violating any village ordinance, and make rules and regulation for the government of the same, and appoint necessary jailers and keepers; to prevent and suppress riots, routs, affrays, noises, disturbances and disorderly assemblies in any public or private place.

13. To insure the public property of such village.

14. To establish and regulate cemeteries within, or within one mile of the corporation, and acquire lands therefor by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within one mile of the corporation.

15. To plant trees upon public grounds and along the streets of such village, and to provide for their culture and preservation, and to enclose any public square or other public grounds within said corporation.

16. To levy and collect annual taxes, not exceeding twenty mills on the dollar, assessed valuation.

17. To direct the location and regulate the management and construction of packing houses, smoke houses, renderies and slaughter houses; and prohibit any offensive or unwholesome business or establishment within, or within one mile of the limits of the corporation; to compel the owner of any grocery, cellar, stable, pigsty, sewer, or other unwholesome or nauseous house or place; to cleanse, abate or remove the same, and regulate the location thereof.

18. To make and establish by-laws, ordinances and regulations not repugnant to the laws of this state as may be necessary to carry into effect the provisions of this Chapter, and to repeal, alter or amend the same as shall seem to the board of trustees of such village to require; but every by-law, ordinance or regulation, unless in case of emergency, shall be published in a newspaper in such village, if one is printed therein, or posted in five public places, at least ten days before the same shall take effect.

19. To prescribe fines, penalties and forfeitures for violations of this Chapter, or of any by-laws or ordinances by it established, not exceeding ten dollars and the costs of prosecution for any one offense, which may be recovered by action in the name of the corporation, but such board may remit the whole or any part of the fine, costs, penalty or forfeiture; *provided*, that the fine assessed for the viola-

tion of any ordinance requiring a license shall not be less than the amount required to be paid for such license, although it may exceed the sum of ten dollars.

20. To authorize the construction and maintenance of street railways, water mains, water pipes, gas mains, gas pipes, steam heating mains, and steam heating pipes, electric light systems, power systems, and telephone systems, along or through or under the streets and alleys and public grounds within the corporate limits, and to grant franchises and rights to persons, associations, or corporations, for such purposes, for a period not exceeding twenty years, and to regulate the same. *Provided*, however, that all franchises granted pursuant to the provisions of this Act shall not be deemed exclusive or irrevocable, but subject to the regulatory powers of the board of trustees herein.

§ 2. EMERGENCY.] Whereas, an emergency exists, in that villages have now no right or authority to grant franchises for electric light and telephone systems, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

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 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.

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