

CHAPTER 109.

[S. B. No. 11.]

LEGALIZING ACTS OF STATE BOARD OF CANVASSERS.

AN ACT to Legalize the Action of the Governor, Chief Justice and Secretary of State Acting as a State Board of Canvassers.

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

§ 1. ACTS LEGALIZED.] That the action taken by the Governor, Chief Justice and Secretary of State as a canvassing board for the State and congressional officers, December the 11th, 1890, be and the same is hereby legalized and made valid in every respect.

Sec. 2. EMERGENCY.] An emergency existing by reason of the fact that there is now no law constituting a State Board of Canvassers; therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 16, 1891

SEED GRAIN.

CHAPTER 110.

[H. B. No. 106.]

AMENDING LAW OF 1890.

AN ACT to Amend Section 6 of an Act Entitled An Act Authorizing Counties to Procure Seed Grain for Needy Farmers Resident Therein, Chapter 152 of the Session Laws of North Dakota, 1890, and to Re-Enact the Same as so Amended.

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

§ 1. AMENDMENT.] That Section 6, Chapter 152 of the Session Laws of 1890 be amended to read as follows:

Sec. 6. TAX BOARD MAY ISSUE WARRANTS INSTEAD OF BONDS, WHEN.] For the purpose of securing prompt payment of the principal and the interest of the said bonds, there shall be levied by the board of county commissioners at the time and in the

manner other taxes are levied, such sums as shall be sufficient to pay such interest, and in addition thereto, a sinking fund tax shall be annually levied, sufficient to pay and retire said bonds at their maturity, and it shall be the duty of the county treasurer to pay promptly the interest upon said bonds as the same shall fall due. The board of county commissioners of any county which has availed itself of the provisions of this act, if such levy to pay said interest and create said sinking fund, as provided above, has been made, shall have the power to apply any surplus of money remaining in their hands from sale of said bonds after fulfilling the requirements of this act to the discharge of any other indebtedness in the county, evidenced by bonds or warrants. *Provided, further,* That nothing in this amendment shall be construed to prevent said commissioners, in their discretion, from using said money for the purposes of purchasing seed grain under the regulations of this act. No tax or fund provided for the payment of such bonds, either principal or interest, shall at time be used for any other purpose; *Provided, however,* That the board of county commissioners may deposit any part or portion of the sinking fund herein provided for, in any bank furnishing satisfactory security in the State of North Dakota, which shall furnish to the county a bond of indemnity to be approved by the board, and receive interest on the same, which shall be credited to the sinking fund. It shall be the duty of the treasurer when said bonds, or any coupons attached thereto are paid, to cancel the same by writing upon the face thereof the word "paid" and the date of payment. Before the bonds are delivered to the purchaser the treasurer of the county shall register them in a book to be provided for that purpose, known as the bond register, in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom, and where payable; *Provided,* That such treasurer shall receive a per centum, at the discretion of the board of county commissioners, not to exceed 1 per cent. for the receiving and disbursing of the amount received from the sale of said bonds, said per centum to be covered into the treasury as a part of the salary fund. The board of county commissioners may issue warrants instead of bonds, if in their judgment the best interests of the county are thereby served; *Provided,* That such warrants shall not be issued in any amount to exceed \$3,000.

§ 2. EMERGENCY.] Whereas, an emergency exists, that there is no provision of law for the disposal of the balance mentioned in this amendment, this act shall take effect immediately from and after its passage and approval.

Approved February 26, 1891.

CHAPTER 111.

[H. B. No. 198.]

AMENDING LAW PROVIDING LIENS FOR PURCHASE OF SEED
GRAIN.

AN ACT to Amend Sections 1 and 7 of Chapter 150 of the Laws of 1890, Being an Act Entitled "An Act to Provide for Liens upon Crops and for the Levy of a Tax to Secure the Payment of the Purchase Price of Seed Grain."

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

§ 1 AMENDMENT.] That Section 1 of Chapter 150 of the Laws of 1890, be amended to read as follows:

Section 1. HOW LIEN MAY BE HAD—PRIORITY OF LIEN.] It shall be lawful for any person desiring to purchase, upon credit, any seed grain, to be sown or planted upon lands within this State, to enter into a contract in manner and form as hereafter provided, with any person, co-partnership, association or corporation furnishing such seed grain, that such person, co-partnership, association or corporation, as the case may be, shall have a first lien upon the crops of grain produced from such seed grain to secure the payment of the indebtedness incurred therefor, and that in case such indebtedness be not paid at the time it shall become due and payable according to the terms of the contract that the amount thereof, with accrued interest, may be levied as a tax upon the real and personal property of the person applying for and receiving such seed grain, as hereinafter provided, and that the said lien may be foreclosed by a sale of the grain embraced in said lien upon the notice and in the manner provided by law for the foreclosure of chattel mortgages, and the costs and fees for foreclosing shall be the same.

§ 2. AMENDMENT.] That Section 7 of Chapter 150 be amended so as to read as follows:

Sec. 7. RIGHT OF POSSESSION OF CROP IN PARTY FURNISHING SEED.] Upon the filing of such application in the office of the register of deeds and the sowing of the seed obtained thereunder, the title and right of possession to the growing crop, and to the grain produced from said seed, shall be in the party who shall have furnished the seed, until the debt incurred for said seed shall have been paid, and any seizure thereof or interference therewith, except by the applicant and those in his employ, for the purpose of harvesting and threshing the same, shall be deemed a conversion thereof and treble damages may be recovered against the

person so converting the same by the party furnishing the seed or his assigns.

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

§ 4. EMERGENCY.] Whereas an emergency exists in the fact that it is necessary that this act should take effect immediately in order to carry out and effect the purposes for which it is intended, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1891.

CHAPTER 112.

[H. B. No. 113.]

AMENDING SEED GRAIN LAW.

AN ACT to Amend Section 11 and 13 of Chapters 152 of the Session Laws of 1890, Entitled "An Act Authorizing Counties to Issue Bonds to Procure Seed Grain for Needy Farmers Resident Therein and to Repeal Section 12 of the Same Act."

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

§ 1. AMENDMENT. That Section 11 of Chapter 152, of the Session Laws of 1890 be amended to read as follows:

Sec. 11. LIENS UPON CROPS.] Upon filing the contracts provided for in Section 10, the county shall acquire a just and valid lien upon the crops of grain raised each year by the persons receiving seed grain to the amount of the sum then due the county upon said contracts, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise; and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien which shall continue in force until the amount covered by said contract is fully paid. For the purpose of enforcing such lien the states attorney may proceed to foreclose said lien in the name of the county commissioners in the same manner that chattle mortgages are foreclosed, as provided by law, when requested so to do by said county commissioners.

Sec. 2. AMENDMENT.] That Section 13 of Chapter 152 be amended to read as follows:

§ 13. PENALTY FOR SELLING SEED GRAIN—CONVERSION DEFINED.] Any person or persons who shall contrary to the provisions of this act, sell, transfer take or carry away or in any manner dispose of the seed grain or any part thereof, furnished

by the county under this act, or shall use or dispose of said seed grain or any part thereof, for any other purpose than that of planting or sowing the same as stated in his application, or shall sell, transfer, take or carry away, or in any manner dispose of the crop or any part thereof, produced from the sowing or planting of said seed grain, shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than ten (10) dollars nor more than one hundred (100) dollars, or may be imprisoned in the county jail for a term of not less than ninety days, and shall pay all costs of prosecution and whoever, under any of the provisions herein, shall be found guilty of false swearing shall be deemed to have committed perjury, and shall upon conviction suffer the pains and penalties of that crime. Upon the filing of said application in the office of the register of deeds, and the sowing of the seed obtained thereunder, the title and right of possession to the growing crop and to the grain produced from said seed shall be in the county which shall have furnished the seed until the debt incurred for said seed shall have been paid, and any seizure thereof or interference therewith except by the applicant and those in his employ for the purpose of harvesting and threshing the same shall be deemed a conversion thereof, and treble damages may be recovered against the person so converting the same by the county furnishing the same.

§ 3. REPEAL.] That Section 12 of Chapter 152 of the Session Laws of 1890 is hereby repealed.

§ 4. EMERGENCY.] Whereas, an emergency exists, in that there is no provision for the foreclosure of seed liens by the board of county commissioners, where the counties have furnished seed grain, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1891.

CHAPTER 113.

[S. B. No. 163.]

AMENDING ACT OF 1890 AUTHORIZING COUNTIES TO ISSUE BONDS FOR SEED GRAIN.

AN ACT to Amend Section 18, of Chapter 152, Entitled "An Act Authorizing Counties to Issue Bonds to Procure Seed Grain for Needy Farmers Resident Therein," Approved February 14, 1891.

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

§ 1 AMENDMENT.] That Section 18 be amended so as to read as follows:

Sec. 18. OPTION.] Said board may at any time, with the concurrence of the owners thereof, pay and retire any of the bonds

under the provisions of this act out of the funds provided for that purpose at not more than the par value thereof and accrued interest, and a premium of not exceeding 3 per cent. per annum; *Provided*, That should there at any time be in the treasury to the credit of such sinking fund an amount equal to 70 per cent. or more of the par value of all bonds issued in any year under this act, said board of county commissioners may and they are hereby authorized to issue county warrants to an amount equal to 30 per cent. or fraction thereof of such outstanding bonds, such warrants to be sold at not less than par, and the proceeds placed to the credit of such sinking fund; whereupon the board of county commissioners may pay and retire all such bonds; *Provided, further*, That all subsequent collections on account of such sinking fund, shall be transferred to county fund.

§ 2. EMERGENCY.] An emergency exists in that some of the counties have in their treasuries, a sum equal to the requirements of this act, and are desirous of taking steps at once to redeem such bonds, therefore this act shall take effect immediately after its passage and approval.

Approved March 9, 1891.

STATISTICS.

CHAPTER 114.

[S. B. No. 189.]

PROVIDING FOR COLLECTION AND COMPILATION OF STATISTICS OF THE STATE.

AN ACT to Provide for the Collection and Compilation of the Statistics of
the State of North Dakota.

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

§ 1. ASSESSORS FURNISH STATISTICS.] That it shall be the duty of the several county, township, town and city assessors of the State of North Dakota, at the time of taking lists of property for taxation each year, to require each person, firm, company any corporation in his county, district, township, town, city or ward to make a statistical statement of facts relating to agricul-