

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-

ture, horticulture, stock raising and such other subjects as may be required by the State Statistician, in the manner provided for in this act and specified in the instructions which shall be given by the State Statistician; and the said assessor shall make such other statistical returns, not herein mentioned, as may be required by the State Statistician, of and through the county auditors, or in counties that have no auditors, then the county clerks; and each assessor shall make a return of such statements, in tabulated form, to the county auditor or clerk of his county, at the time of returning the lists of property for taxation. The said statistical statement, required by this section, shall be made under oath by the persons or by the managers or agents of the firms, companies or corporations; and if any such persons or managers or agents shall refuse or neglect to make such statement under oath, it shall be the duty of the assessor to obtain such information to the best of his ability, from neighbors or others that may be supposed to be best prepared to furnish it, which information, so obtained, the assessor shall indicate how procured and whether he has reason to believe the same to be reliable. The said assessor shall also make an alphabetical list of the names of the parties so refusing to make such statistical statement, with their postoffice addresses and the section, town and range in which they reside, or in case they or any of them reside in a town or city, the street and number where they reside shall be given, which list the assessor shall return to the county auditor or clerk with the statistical returns of his township, district, town or city.

§ 2. WHAT STATISTICAL STATEMENT SHALL CONTAIN.] The statistical statement mentioned in the foregoing section shall contain, among other things, answers properly classified to the following questions: "What is the number of farms; the number of acres cultivated (or to be cultivated) to each crop for the current year, together with the acreage and product, for the year immediately preceding, of wheat, oats, barley, flax, corn, rye, potatoes, cultivated and wild hay, and other farm produce. The number of mules, horses, milch cows and other cattle, sheep and hogs subdivided into the breeds or classes to which they belong; the number of pounds of wool clipped, and the dairy products for the past year. The number and kinds of trees growing in cultivated or planted forests; the number of nurseries and the acreage of each; the number and kind of fruit trees, berries, vines, etc., and the orchard products for the preceding year. The male and female population of each county, township, town and city, and the number of blind, deaf and dumb, insane and idiotic in each assessor's district."

§ 3. STATISTICS, HOW OBTAINED.] Each assessor shall perform the service required of him by a personal visit to each dwelling house and to each family in his township, district, town or city, and shall ascertain by inquiries made of some member of each family, if any one can be found capable of giving the infor-

mation, but if not, then to the agents of such family, and if the agents cannot be found, then he shall obtain the information specified in this act from the most reliable source; and he shall visit personally the farms, shops and other places in the district, respecting which information is required, as specified on the blanks furnished by the State Statistician, and he shall obtain all such information from the best and most reliable sources.

§ 4. BLANKS FOR STATISTICS, HOW PROCURED.] The county auditor or clerk of each county shall furnish to the county, township, town and city assessors of his county such blanks as may be necessary for taking the aforesaid statements, which said blanks shall be furnished by the State Statistician to the county auditors or clerks, together with printed instruction defining and explaining the duties of the assessor in collecting the statistics required by this act; and the county auditors or clerks shall, within thirty days after the aforesaid statements are returned to them by the assessors, make out in duplicate a tabular statement thereof, by assessors' districts, properly verified, one copy of which shall be preserved in the office of the auditor or clerk and the other copy forwarded to the State Statistician. In case the tabular statement aforesaid from any county shall not be received by the State Statistician by the 15th day of August of any year, the said State Statistician shall notify in writing the said auditor or clerk of such delinquency and shall cite him this section of law requiring such statement. If the said auditor or clerk still refuse or neglect to prepare and forward such statement until the 15th day of September, it is in that event hereby made the duty of the State Statistician to report the case to the Attorney General, who shall at once proceed to enforce the penalties provided in Section 6 of this act.

§ 5. COMPENSATION.] The services herein required of the several assessors of the State shall be performed at the same time that they perform their services under the general assessment laws and in connection therewith. They shall not be allowed for such services separately, but for the time employed in collecting the statistical information herein provided for and for the taking of the general assessment they shall be allowed and paid as for one and same service; and the county, township, town and city assessors shall be paid in the same manner and shall receive the same pro rata per diem for the discharge of the services required by this act as is now or shall hereafter be provided for taking a list of property for assessment purposes; *Provided*, That an assessor shall receive no part of any pay for his services as assessor, except on certificate of the county auditor or clerk that he has fully complied with the requirements of this act; and it is hereby made the duty of the county auditor or clerk, when any county, township, town or city assessor fails to make proper and complete return of the statistics required by this act and by the State Statistician to withhold the said

certificate until the work is fully and properly completed, and to return forthwith the blanks to the said assessor, clearly indicating to him the deficiencies in the said statistics and what is needed by way of correction, and shall specify a reasonable time in which the said assessor shall fully complete the work and return the same to the said county auditor or clerk. It shall then be the duty of the said assessor to immediately carry out the instructions of the auditor or clerk and return the statistics completed within the time prescribed. In case of his failure to comply with said requirements the said assessor shall forfeit all compensation and be subject to the penalties prescribed in Section 6 of this act; and it is hereby made the duty of the county auditor or clerk to enter complaint against the said assessor, which shall be prosecuted in the name of the State of North Dakota by the state attorney for the county wherein such failure to collect statistics occurs; and any judgment or penalty so recovered against any such assessor shall become a lien against all real and personal property at the time owned or thereafter owned by such assessor. On the failure of any assessor to complete and return his statistics to the auditor or clerk within the time prescribed after they have been returned to him by the said auditor or clerk with the proper instructions for completion, it shall be the duty of the said county auditor or clerk, and he is hereby so empowered, to appoint some suitable person to collect or complete the statistics for the district, township, town or city in question, and such appointee shall properly perform the work as provided in the case of the regularly chosen assessor, and shall be entitled to compensation at the same rate as provided for assessors, and shall be paid in the same manner. The failure of any county auditor or clerk to require the complete performance of duty by assessors, as herein provided, or to enter complaint against any assessor who shall fail to perform his duty, as herein provided, shall be construed as a misdemeanor and shall subject the auditor or clerk so offending to the penalties prescribed in Section 6 of this act.

§ 6. PENALTIES.] Any county, township, town or city assessor, or county auditor or clerk, who shall willfully neglect or refuse in whole or in part, to perform the duties required in this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than twenty (20) dollars nor more than one hundred (100) dollars.

§ 7. COUNTY OFFICERS TO FURNISH STATISTICS.] The county auditor or clerk of each county shall furnish to the State Statistician, upon request of the said Statistician, from the county records such information regarding the county, its financial condition, products and other statistical matter as may be requested on blanks furnished by the said Statistician, and the refusal or neglect of any auditor or clerk to furnish such information within thirty days from the receipt of such request from the Statistician shall be construed as a misdemeanor and shall subject the auditor

or clerk so offending to the penalties prescribed in Section 6 of this act.

§ 8. DUTY OF STATE STATISTICIAN.] The State Statistician is hereby required to carry into effect the provisions of this act relating to the collection and compilation annually of the statistical data herein described, and he shall cause the returns, when received, to be arranged, classified and published in the best and most convenient manner in order to exhibit the annual growth and development of each county and of the State.

§ 9. EXPENSES PAID BY STATE.] The expenses incurred in procuring and furnishing the necessary blanks, stationery and postage and compiling and publishing the statistical information as required by this act shall be paid by the State Treasurer on the warrant of the State Auditor, which shall be issued on the presentation of the sworn expense account of the State Statistician when approved by the Governor.

§ 10. REPEAL.] All acts and parts of acts in conflict with this act shall be and are hereby repealed.

§ 11. EMERGENCY.] Whereas an emergency exists in that it is necessary that this act take effect at once in order that the duties herein required may be preformed for the year 1891 in accordance with the provisions hereof, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1891.

CHAPTER 115.

[H. B. No. 158.]

DUTIES OF COMMISSIONER OF AGRICULTURE AND LABOR.

AN ACT to Amend Chapter 46 of the Laws of 1890.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 46 of the Laws of 1890 be and the same is hereby amended to read as follows:

Sec. 2. DUTY OF ALL OFFICIALS TO FURNISH CERTAIN INFORMATION—PENALTY.] It shall be the duty of all State, county and precinct officers to furnish upon the written request of the Commissioner all the information in their power necessary to assist in carrying out the objects of this act. For the purpose of obtaining statistics relating to manufactures and mining, the Commissioner shall procure in the manner that may seem best to him, the names and addresses of all the manufacturers and mine owners

and operators in the State and shall transmit by mail to each owner, operator or manager of each shop, mill, manufacturing establishment or mine, not later than the 1st day of July of each year, suitable prepared blanks, embodying inquiries into the subjects upon which the Commissioner is required or authorized to prepare statistics, which blanks shall be filled out complete and returned to the Commissioner not later than the 1st day of August following. The information so obtained shall be preserved, systematized and tabulated by the Commissioner, but no information concerning the business or affairs of any individual, firm, company or corporation shall be divulged or in any manner made public by the Commissioner or any one in the employ of his office, and any violation of this provision shall subject the party violating to a fine of not more than five hundred (500) dollars or to imprisonment for not more than one year or both such fine and imprisonment. The refusal or neglect of any such owner, operator or manager of any shop, mill, manufacturing establishment or mine to supply the information asked by the Commissioner within the time designated shall be construed as a violation of Section 3 of this act, and shall subject the party so offending to the penalties therein prescribed; *Provided*, That no prosecution shall be begun against such parties for such neglect or refusal until at least twenty days after a second notice and blank shall have been mailed them by the Commissioner. And not more than 2,500 copies of the printed report shall be furnished to the Commissioner for free distribution to the public.

§ 2. AMENDMENT.] That Section 3 of said Chapter 46 of the Laws of 1890, be and the same is hereby amended to read as follows:

Sec. 3. PENALTY FOR OBSTRUCTING COMMISSIONER.] Any person who willfully impedes or obstructs the commissioner in the full and free performance of his duties, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten (10) dollars nor more than fifty (50) dollars, or imprisonment not less than seven nor more than thirty days in the county jail or both. The refusal or neglect of any person for himself or for any person, firm, company or corporation of which he may be a member or agent to furnish the information or statistical statement required under Chapter 15 of the Laws of 1889, to be furnished to assessors shall be construed to be a violation of the provisions of this section, and it is hereby made the duty of the county auditor to report such violation with the names and postoffice addresses and places of residence of the violators as furnished him by the assessors to the states attorney for the county in which such violations occur, and the said states attorney shall forthwith proceed to enforce the penalties provided in this section against such persons; and he is hereby authorized to subpoena the assessor and such other witnesses as may be necessary and to procure the assessor's returns in evidence.

§ 3. AMENDMENT.] That Section 10 of said Chapter 46 of the Laws of 1890 be and the same is hereby amended to read as follows:

Sec. 10. DUTY OF COMMISSIONER.] The Commissioner shall be the State Statistician; it shall be his duty to obtain from county and township assessors and other officers of the organized counties of the State and to collate and prepare in tabulated form for reference statistics showing county, township and other municipal indebtedness of all kinds, the assessed valuation of real and personal property, and he shall also ascertain the amount of mortgage indebtedness and assessed value of real property owned by citizens as distinguished from corporations; the acreage in wheat, corn, and other kinds of grain; the number of cattle, horses, hogs and other live stock, and the population, vital statistics and all other information pertaining to and showing the condition, growth and development of the State by counties. The Commissioner of Agriculture and Labor may call upon the Attorney General for such assistance as to him may seem necessary in the preparation of such blanks as may be needed for procuring the statistics contemplated in this act, and it is hereby made the duty of the Attorney General to render such assistance.

§ 4. AMENDMENT.] That Section 11 of said Chapter 46 of the Laws of 1890 be and the same is hereby amended to read as follows:

Sec. 11. REPORTS OF COMMISSIONER—WHEN PORTIONS MAY BE GIVEN OUT.] The Commissioner shall report to the Legislative Assembly the number of coal mines being operated within the State, the number of tons of coal being mined annually, the number of persons employed in coal mining, the wages paid the coal miners and the cost per ton to mine coal at the different mines. The Commissioner is hereby authorized to give out to the press of this or other states at any time such parts of any reports in course of preparation as may be sufficiently completed to admit of publication or such information regarding the statistics of the State or any interest therein as may in his judgment be of interest or value to the people, the design being to furnish to the people through the press as fresh information regarding the State and its industries and condition as possible without awaiting the official publications through biennial or other reports.

§ 5. EMERGENCY.] That whereas an emergency exists in that it is necessary that the provisions of this act take effect long prior to the first day of July 1891, in order that the work of the various officers and persons concerned may be performed for the year 1891, under the provisions hereof; therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1891.