
CROP LIENS.

CHAPTER 55.

[H. B. 60.]

LIENS UPON CROPS.

AN ACT to Amend Section 4681 of the Revised Codes of North Dakota, Relating to Liens upon Crops.

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

§ 1. AMENDMENT.] That section 4681 of the Revised Codes of North Dakota be, and the same is hereby amended to read as follows:

§ 4681. UPON CROPS, LIMITED—EXCEPTION.] A lien by contract upon crops shall attach only to the crop next maturing after the delivery of such contract, except in the case of liens by contract to secure the purchase price, or rental, of the land upon which such crops are to be grown.

§ 2. EMERGENCY.] *Whereas*, An emergency exists, in that the sale and renting of farm lands is largely affected in the spring of the year; *Therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved, February 25, 1897.

CORPORATIONS.

CHAPTER 56.

[H. B. 198.]

RELATING TO CORPORATIONS.

AN ACT to Amend Section 5776 of the Revised Codes of North Dakota, Relating to Proceedings to Annul Corporations.

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

§ 1. AMENDMENT.] That section 5776 of the Revised Codes of North Dakota be, and the same is hereby amended so as to read as follows:

§ 5776. SAME—CAUSES FOR BRINGING. An action may be

brought by the State, or by any private person in the name of the State, on leave granted therefor by the district court, upon cause shown for the purpose of annulling the existence of any corporation created by, or under the laws of this State, except a municipal corporation, whenever any such corporation shall,

1. Offend against any of the provisions of any law by, or under which it shall have been created, altered or renewed; or,
2. Violate the provisions of any law by which such corporation shall have forfeited its corporate rights, privileges, and franchises by abuse of its powers; or,
3. Whenever it shall have forfeited its privileges or franchises by failure to exercise its powers and such default has not been repaired by actually commencing active operations; or,
4. Whenever it shall have done or omitted any act which amounts to a surrender of its corporate rights, privileges or franchises; or,
5. Whenever it shall exercise franchises or privileges not conferred upon it by law.

§ 2. EMERGENCY.] *Whereas*, An emergency exists in that the law on the subject matter hereof, is not adequate to cover all cases equitably; *Therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved, March 9th, 1897.

CHAPTER 57.

[H. B. 181.]

POWER OF DIRECTORS.

AN ACT to Amend Section 2889 of the Revised Code of the State of North Dakota, Relative to the Number and Power of Directors of Corporations Created for Religious, Educational and Benevolent Purposes.

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

§ 1. AMENDMENT.] That section 2889 of the Revised Code of the State of North Dakota, be amended so as to read as follows:

§ 2889. NUMBER AND POWER OF DIRECTORS.] Unless otherwise expressly provided, the corporate powers, business and property of all corporations formed under this chapter must be exercised, conducted and controlled by a board of not less than three nor more than eleven directors, to be elected from among the holders of stock; or, when there is no capital stock, then, from the members of such corporation. Directors of corporations for profit must be holders of stock therein in an amount to be fixed by the by-laws of the corporation. Directors of all other corporations must be members thereof. Unless a quorum is present and acting, no business performed, or act done, is valid, as against the corporation. Whenever a vacancy occurs in the

office of director, unless the by-laws of the corporation otherwise provide, such vacancy must be filled by an appointee of the board; *Provided*, that the trustees or directors of any private corporation created for religious, educational, or benevolent purposes, may number not less than three nor more than twenty-one, and may be elected at such times, and for such periods, and in such manner, and their qualifications be such as may be provided by the articles of incorporations or by-laws of such corporation.

§ 2. EMERGENCY.] *Whereas*, An emergency exists, in that there is no adequate or proper law for the incorporation of charitable and educational institutions in connection with or under the supervision of other religious, educational or charitable institutions, and under which they may elect trustees or directors in number and at such times and for such purposes and in such manner and with such qualifications as may be provided by the articles of incorporation or by-laws of such corporation, it is essential that a law for that purpose be enacted as soon as practicable and long before July 1st, 1897; *Therefore*, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1897.

CHAPTER 58.

[S. B. 18.]

NUMBER OF DIRECTORS.

AN ACT to Amend Section Two Thousand Eight Hundred and Eighty-nine of the Revised Codes.

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

§ 1. AMENDMENT.] That section two thousand eight hundred and eighty-nine of the Revised Codes is hereby amended so as to read as follows, to-wit:

§ 2889. NUMBER AND POWER OF DIRECTORS.] Unless otherwise expressly provided, the corporate powers, business and property of all corporations formed under this chapter must be exercised, conducted and controlled by a board of not less than three nor more than eleven directors, to be elected from among the holders of stock; or, when there is no capital stock, then from the members of such corporation, and at least one of such directors must be a resident in good faith of this State, and the removal of any such resident director from the State shall create a vacancy in his office. Directors of corporations for profit must be holders of stock therein in an amount to be fixed by the by-laws of the corporation. Directors of all other corporations

must be members thereof. Unless a quorum is present and acting, no business performed or act done is valid as against the corporation. Whenever a vacancy occurs in the office of directors, unless the by-laws of the corporation otherwise provide, such vacancy must be filled by an appointee of the board.

§ 2. EMERGENCY.] *Whereas*, An emergency exists in that there is no provision of law requiring any of the directors of domestic corporations to be residents of this State, and the election of such directors takes place before July 1, 1897, this act shall take effect and be in force from and after its approval.

Approved, February 9, 1897.

CONTRACTS.

CHAPTER 59.

[S. B. 20.]

WRITTEN INSTRUMENTS.

AN ACT Governing the Method of Proof of a Written Instrument or Contract to Which There are One or More Subscribing Witnesses.

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

§ 1. PROVING WRITTEN INSTRUMENTS.] In proving any written instrument or contract to which there is a subscribing witness, or to which there are two or more subscribing witnesses, it shall not be necessary to call said witness or any one of two or more of said subscribing witnesses; but the instrument or contract may be proved, except for purposes of recording the same, by the same evidence by which an instrument or contract to which there is no subscribing witness may be proved; nor shall it be permissible to prove such instrument or contract in any case by proof of the handwriting of said subscribing witness or witnesses as the case may be, but in all cases such instrument or contract must be proved in the same manner as one having no subscribing witness whatever.

Approved, January 27, 1897.