

complied with before the issuing of such diploma; whereupon the clerk shall record such diploma in a book to be provided by him for that purpose, and shall endorse upon such diploma the date of filing and recording the same, for which he shall receive from such person a fee of one dollar.

§ 2. MISDEMEANOR—WHEN—PENALTY.] Any person who shall practice or pretend or attempt to practice the system, method or science of Osteopathy in treating diseases of the human body without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than fifty nor more than one hundred dollars for each offense; *Provided*, that nothing in this act shall be construed as prohibiting any legally authorized practitioner of medicine or surgery in this state from curing or relieving disease with or without drugs, or by any manipulation by which any disease may be cured or alleviated.

Approved February 16th, 1897.

## PENITENTIARY.

### CHAPTER 106.

[S. B. 73.]

#### RELATING TO BOARDS OF TRUSTEES.

AN ACT to Amend Sections 8518 and 8519 of the Revised Codes of 1895, as to the Boards of Trustees, and the Appointment of Members thereof, for the State Penitentiary and the State Reform School.

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

§ 1. AMENDMENT.] That section 8518 of the Revised Codes of 1895 be amended so as to read as follows: The said penitentiary and the said reform school shall each be governed by a separate board of trustees consisting of five (5) members to be appointed by the governor as hereinafter in this article provided, and the term of office of each trustee shall commence on the first Tuesday of April next succeeding his appointment, except as otherwise in this article specified.

§ 2. AMENDMENT.] That section 8519 of the Revised Codes of 1895 be amended so as to read as follows: The governor shall nominate, and by and with the advice and consent of the senate, appoint, during the regular session of the Legislative Assembly held in 1897, five (5) trustees of each of such institutions, of whom three (3) shall be designated to hold their offices for the term of

two (2) years and two for the term of four (4) years. The Governor at each regular session of the Legislative Assembly thereafter shall nominate, and by and with the advice and consent of senate, appoint three (3) trustees of each of such institutions in place of those whose terms of office shall thereafter first expire, of whom two (2) shall be designated to hold their offices for the term of four (4) years and one (1) for the term of two (2) years. Each trustee shall hold his office until his successor is appointed and qualified; *Provided*, that the Governor may fill any vacancy in either of said boards by appointment to extend only to the first Tuesday of April succeeding the next regular session of the Legislative Assembly; and *provided, further*, that the Governor shall, during such next Legislative Assembly, nominate, and by and with the advice and consent of the senate, appoint a trustee to fill such vacancy for the remainder of the term unexpired. No more than one member of either of such boards shall be appointed from the same county.

§ 3. REPEAL.] That all acts in conflict with any of the provisions hereof be and the same are hereby repealed.

§ 4. EMERGENCY.] An emergency existing in that there is no adequate law on the subject covered hereby, and that it is necessary that action be taken before July next under this act; therefore, it shall take effect from and after its passage and approval.

Approved February 25th, 1897.

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## CHAPTER 107.

H. B. 46.1

### DIMINUTION OF SENTENCE.

**AN ACT** to Amend Sections 8542 and 8543 of the Revised Codes, Relating to Diminution of Sentence For Good Conduct of Inmates of the State Penitentiary.

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

§ 1. AMENDMENT.] That sections 8542 and 8543 of the Revised Codes be, and the same are hereby amended so as to read as follows:

§ 8542. DIMINUTION OF SENTENCE FOR GOOD CONDUCT.] Every person committed to the state penitentiary under sentence other than for life, who shall have no infraction of the rules and regulations of the prison or laws of the state recorded against him, shall be entitled to a deduction from the term of the sentence for each year, or pro rata for any part of a year, when the sentence is for more or less than one year, as follows: From and including the first year up to the third year, a deduction of two

months for each year; from and including the third year, up to the fifth year, a deduction of seventy-five days for each year; from and including the fifth year and up to the seventh year, a deduction of three months for each year; from and including the seventh year up to the eleventh year, a deduction of one hundred and five days for each year; from and including the eleventh year up to the period fixed for the expiration of the sentence, a deduction of four months for each year; and it shall be the duty of the warden to discharge any such persons from the penitentiary when he shall have served the term of his sentence less the time he may be entitled to have deducted therefrom for good behavior as hereinbefore provided, and in the same manner as if no deduction had been made; *Provided*, that if any person committed to the penitentiary shall be guilty of the violation of any of the rules and regulations thereof, or of the laws of the state, the board of trustees or warden may and are hereby empowered at their discretion to deprive such person of a portion or all (according to the flagrancy of his infraction of the rules and regulations) of the diminution of the term of his sentence.

§ 8543. WARDEN SHALL KEEP RECORD.] The warden shall keep a true record of the conduct of each inmate of the State Penitentiary, showing each infraction of the rules and regulations thereof, with the date and character of each offense, which record shall be open to the inspection of the board of trustees at any regular or special meeting thereof; *Provided*, that if any inmate of the penitentiary is deprived of any portion or all of his good time by reason of the violation of the rules and regulations of the prison, he shall be notified of the same by the warden, and a record thereof made in the department register, with reasons for such deduction; and, *Provided, further*, that any person confined in the State Penitentiary at the taking effect of this act shall be entitled to the benefits of its provisions for the remainder of his term; the deductions from the term of his sentence for good conduct to be based on the length of time he has served, as provided in the preceding section.

REPEAL.] All acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

Approved Feb. 17th, 1897.

## CHAPTER 108.

[S. B. 1.]

## LABOR OF CONVICTS.

AN ACT in relation to the Labor of Convicts in the State Prison of North Dakota.

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

§ 1. LABOR OF CONVICTS.] No person in any prison, penitentiary, or other place for the confinement of offenders in said state, shall be required or allowed to work while under sentence thereto, at any trade, industry or occupation wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted and given, or sold to any person, firm, association or corporation; but this act shall not be so construed so as to prevent the product of the labor of convicts from being disposed of to the State, or any political division thereof, or to any public institution owned or managed by the State or any political division thereof for their own use; *Provided*, that nothing in this act shall prohibit the use of convict labor by the State in carrying on any farming operations or in the manufacture of brick, or prohibits the State from disposing of the proceeds of such enterprises.

§ 2. REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. EMERGENCY.] This act shall take effect and be in force from and after November 1, A. D. 1897.

Approved March 2d, 1897.

## PLEDGES.

## CHAPTER 109.

[S. B. 128.]

## RELATING TO PLEDGES.

AN ACT to Amend Section 4764 of the Revised Codes of the State of North Dakota, Being Chapter 74, Entitled Pledge.

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

§ 1. AMENDMENT.] That section 4764 be and the same is hereby amended to read as follows:

S. L.—17