

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 All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.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:

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§ 4764. EVIDENCE OF DEBT.] A pledgee may collect when due any evidence of debt pledged to him, he may also sell any evidence of debt pledged to him to secure the performance of an original obligation, if at the time of making such original obligation the pledgor shall have authorized in writing such sale. Before such evidence of debt can be sold and after the maturity of the original obligation, the pledgee must demand, in writing, the performance thereof from the debtor if he can be found. Notice of the sale of such evidence of debt must be given by publication once, and at least six days prior to such sale, in a newspaper published at the place of sale, if there is one, otherwise in a newspaper in the county in which such sale is to be made, and if there is no newspaper in the county, or upon the written request of the pledgor, notice shall be given by posting the same in five public places in such county for at least ten days prior to such sale. The notice of sale must specify the names of the pledgor and pledgee and the assignee if any, the date, maturity and amount of the original obligation and the amount claimed to be due thereon, a description of the evidence of debt to be sold, which shall contain the names of the makers, the date and maturity of such obligation to be sold, and the time and place of sale. Such sale may be made by the pledgee, his agent or attorney. A report of of such sale must be made and filed, substantially as required by section 5888 in chattel mortgage foreclosures, and when so filed shall have the same force and effect.

Approved March 12th, 1897.

PRESUMPTIVE EVIDENCE.

CHAPTER 110.

[S. B. 122.]

DEFINING LAW OF PRESUMPTIVE EVIDENCE.

AN ACT to Establish, Limit and Define the Law of Presumptive Evidence.

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

§ 1. DUTY OF JURY.] A presumption, unless declared by law to be conclusive, may be controverted by other evidence, direct or indirect; but unless so controverted, the jury are bound to find according to the presumption.

§ 2. PRESUMPTIONS DEEMED CONCLUSIVE.] The following presumptions and no others are deemed conclusive:

1. A malicious and guilty intent from the deliberate commission of an unlawful act, for the purpose of injuring another.