

and the state's attorneys of the different counties of this state to enforce the provisions of this act; and for that purpose the said commissioner is hereby authorized and empowered to appoint such assistants, experts and chemists as he shall deem necessary or expedient from the State University or the State Agricultural College, and the said commissioner and said assistants, experts and chemists so appointed shall have access, ingress and egress to and from all places of business and buildings where flaxseed or linseed oil so called whether pure or adulterated, is believed by them to be kept or stored; and they shall also have power and authority to open any tank car, tank, barrel, keg or other vessel of such oil and inspect the contents thereof and take samples thereof therefrom sufficient in quantity only for analysis; and all clerks, bookkeepers, express agents, railroad agents or officials, employes, common carriers and all other persons shall render them all the assistance in their power when so requested in tracing, finding or discovering the presence of any such adulterated oil.

§ 5. EXPERTS AND CHEMISTS.] In all prosecutions under this act the costs thereof shall be paid in the manner now provided by law and the said assistants, experts and chemists appointed by the commissioner of agriculture and labor, shall be entitled when testifying on such prosecutions to the same witness fees now provided by law for expert witnesses.

§ 6. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1899.

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## LOST OR DESTROYED PAPERS.

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### CHAPTER 107.

[H. B. 181.]

#### SUBSTITUTION OF LOST PAPERS.

AN ACT to Enable the Substitution of Lost Paper or Papers Destroyed by Fire in the County Courts of this State and Providing the Manner of Said Substitution.

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

§ 1. LOST OR DESTROYED PAPERS.] If any process, citation, original petition or any other paper is lost or destroyed by fire or otherwise or withheld by any person the court may authorize a copy thereof to be filed and used instead of the original; and when it shall appear to the satisfaction of the judge of said court that

any order of the court has been heretofore made in any proceeding, the records of said proceeding and said order having been destroyed by fire or otherwise, the court shall again make and file such order therein, and all proceedings up to and including said order shall be deemed to have been taken and made as provided by law, and said final order shall have the same effect as if the entire record of said proceedings were still in existence and on file in said action or proceeding in said court.

§ 2. EMERGENCY.] Whereas, there is now no adequate remedy for the substitution for lost papers and papers destroyed by fire in county courts, an emergency exists; therefore, this act shall take effect from and after its passage and approval.

Approved March 7, 1899.

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## MARKS OR BRANDS.

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### CHAPTER 108.

[S. B. 122.]

#### REGISTERING MARKS AND BRANDS.

AN ACT to Amend Section 1538 of the Revised Codes of the State of North Dakota and to Repeal Section 1539 of said Codes; also to Relieve the Register of Deeds of any Duty in Regard to Registering Marks and Brands.

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

§ 1. AMENDMENT.] Section 1538 of the Revised Codes of the State of North Dakota, relating to marks and brands, is hereby amended to read as follows:

§ 1538. SECRETARY MUST RECORD BRANDS.] The secretary of state shall keep a record of all marks, brands and trade marks showing the names and residences of the person owning the same, together with a description and facsimile of such mark, brand or trade mark and in case of live stock the range occupied by such stock, as near as may be, which record shall be open to the inspection of any person interested and he shall deliver to the owner of such mark, brand or trade mark a certificate thereof, which certificate shall be deemed evidence of ownership, for which he shall charge and collect a fee of two dollars.

§ 2. REPEAL.] Section 1539 of the Revised Codes of 1895 is hereby repealed.

§ 3. AFTER ACT SHALL TAKE EFFECT.] After this act shall take