

§ 4. LAW. WHEN ABOLISHED.] The ballots to be used at such elections shall be in the following form:

“Lawful for stock to run at large” and “against lawful for stock to run at large.”

In voting on the question, each voter must place at the right of the proposition he favors, the mark X. If a majority of the ballots cast at such election is against “lawful for stock to run at large” the provisions of this law shall be thereby abolished in such county.

§ 5. WHEN THE PROPOSITION MAY BE SUBMITTED AGAIN.] At any subsequent general election, but at no other time, after an election has once been held under the provisions hereof, the question of re-establishing the provisions of this law within any county having abolished the same, may be again submitted by the board to a vote of the qualified electors thereof, to be voted upon in the same manner as hereinbefore provided for the first election. The result of any election held under the provisions hereof shall remain in force until changed at some subsequent election held hereunder.

§ 6. EMERGENCY.] Whereas, an emergency exists in that there is no law preventing “stock to run at large,” therefore, this act shall take effect and be in force on and after its passage and approval. Provided, further, than any county wherever it is lawful for stock to run at large, none of the provisions of chapter 42 of the Code of Civil Procedure shall apply in such county.

Approved March 5, 1901.

MARKS AND BRANDS.

CHAPTER 124.

[S. B. 11.]

MARKS AND BRANDS.

AN ACT to Amend Sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of North Dakota, Relating to the Recording of Marks and Brands, and for the Transferring of All Record of Marks and Brands Now in the Secretary of State's Office to the Commissioner of Agriculture and Labor.

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

§ 1. AMENDMENT.] That sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes be amended and re-enacted to read as follows:

§ 1536. OFFICE FOR RECORDING BRANDS.] A general office for recording marks and brands, shall be maintained at the seat of govern-

ment, and the duties thereof shall be performed by the commissioner of agriculture and labor.

§ 1537. BRANDS. HOW OBTAINED AND RECORDED.] Whenever any person desires the exclusive use of any mark or brand, he may make application therefor to the commissioner of agriculture and labor, setting forth a description of the mark or brand of which he desires the exclusive use, accompanying the same with a facsimile thereof and stating for what the same is to be used and the place or position it is to occupy, and it shall be the duty of the commissioner to record such mark or brand, with a description of the place or position such mark or brand shall occupy on the animal, consulting always the choice and convenience of the applicant therefor, so far as may be, without conflicting or interfering with any (previous) mark or brand.

§ 1538. COMMISSIONER OF AGRICULTURE AND LABOR. MUST RECORD BRANDS.] The commissioner of agriculture and labor shall keep a record of all marks and brands, showing the names and residences of the persons owning the same, together with a description and facsimile of such mark or brand, 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 or brand a certificate thereof, which certificate shall be deemed evidence of ownership, for which he shall charge and collect a fee of two dollars.

§ 1542. WHO HAVE A RIGHT TO RECORD BRANDS.] All persons who have heretofore recorded any mark or brand in any county of this state, shall have the prior right to the exclusive use of such mark or brand; provided, that where two or more of such marks or brands conflict with each other, the one first recorded shall have priority; provided, further, that all stock brands recorded in the office of the secretary of state prior to the first day of December, 1891, under the provisions of chapter 37 of the laws of 1890, shall be in no wise invalidated by any of the provisions of this article.

§ 1543. HOW TO OBTAIN EXCLUSIVE TRADE MARK.] Any person desiring to secure within this state the exclusive use of any name, mark, brand, print, designation or description for any article of manufacture or trade or for any mill, hotel property, machine shop or other business as a trade mark, shall deliver or cause to be delivered to the secretary of state a particular description or facsimile of such mark, brand, name, print, designation or description as he desires to use, and if there is not an application already filed for the same or a similar mark, brand, name, print, designation or description, he shall immediately record the same in a book to be provided and kept for that purpose, which book shall be at all times subject to public inspection and examination, and after the same shall have been recorded as herein provided, the person causing the same to be recorded shall have the exclusive right to the use thereof; provided, that nothing herein contained shall be construed to authorize the use of figures, letters or Roman numerals.

§ 2. SECRETARY OF STATE TO TURN OVER TO THE COMMISSIONER OF AGRICULTURE AND LABOR ALL RECORDS OF MARKS AND BRANDS.] After the passage and approval of this act the secretary of state shall turn over to the commissioner of agriculture and labor all records of marks and brands now in his office pertaining to domestic animals.

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

EMERGENCY.] Whereas, an emergency exists in that the duties in the office of secretary of state during the session of the legislature are too numerous for him to give attention to the recording of brands, this act shall take effect from and after its passage and approval.

Approved February 11, 1901.

MORTGAGES.

CHAPTER 125.

[H. B. 44.]

DISCHARGE OF REAL ESTATE MORTGAGES.

AN ACT to Amend Section 4719 of the Revised Codes of North Dakota, 1899, Relating to the Discharge of Real Estate Mortgages.

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

§ 1. AMENDMENT.] That section 4719 of the Revised Codes of North Dakota be amended so as to read as follows:

§ 4719. REAL ESTATE MORTGAGE, HOW DISCHARGED BY CERTIFICATE.] A recorded mortgage must be discharged upon the record by the register of deeds having custody thereof on the presentation to him of a certificate of discharge, signed by the mortgagee, his executors, administrators, guardians, trustees, assigns or personal representatives, properly acknowledged or proved and certified as prescribed by the chapter on recording transfers, stating that the mortgage has been paid or otherwise satisfied and discharged, and authorizing said officer to cancel same of record, giving a brief description of the mortgage; provided, however, that any person acting as personal representative of the mortgagee, as aforesaid, must first file and have recorded a power of attorney (or similar authority) in the office where such mortgage is recorded, showing his authority to discharge mortgages in behalf and for the mortgagee and in his name and stead.

Approved March 6, 1901.