

# LIBEL.

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## CHAPTER 128.

[H. B. No. 286—Streeter.]

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### LIBEL.

AN ACT Defining Criminal Libel and Conspiracy to Libel, and Providing Punishment Therefor.

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

§ 1. LIBEL DEFINED.] A libel is the malicious defamation of a person made public by any printing, writing, sign, picture, representation or effigy tending to expose him to public hatred, contempt or ridicule or to deprive him of the benefits of public confidence and social intercourse, or any malicious defamation made public as aforesaid, designed to blacken and villify the memory of one who is dead and tending to scandalize or provoke his surviving relatives and friends.

§ 2. MAKER, COMPOSER OR CIRCULATOR OF LIBEL GUILTY OF FELONY.] Every person who makes or composes, dictates or procures the same to be done or who wilfully publishes or circulates such libel or in any way knowingly or wilfully aids or assists in making, publishing or circulating the same is guilty of a felony.

§ 3. DEFENDANT SHALL BE ACQUITTED IF, ON TRIAL THE MATTER CHARGED AS LIBEL BE PROVEN TO BE TRUE.] In all prosecutions or indictments for libel the truth thereof may be given in evidence to the jury, and if it appears to them that the matter as charged as a libel was true and was published with good motives and for justifiable ends the defendant shall be acquitted.

§ 4. IF TWO OR MORE PERSONS CONSPIRE TO UTTER A LIBEL EACH OF THEM IS GUILTY OF A FELONY.] If two or more persons conspire together to maliciously publish by writing, printing, picture, effigy, sign or otherwise than by mere speech, anything which exposes any living person or the memory of any deceased person to hatred, contempt, ridicule or obliquy or which causes or tends to cause any person to be shunned or avoided or which has a tendency to injure any person or association of persons in his or their business each of them is guilty of a felony.

§ 5. WHAT CONSTITUTES A PUBLICATION UNDER THE MEANING OF THIS ACT.] The delivery, selling, reading or otherwise communicating a libel or causing the same to be delivered, sold, read or otherwise communicated to one or more persons, or to the party libeled is a publication thereof.

§ 6. EMERGENCY.] An emergency is hereby declared to exist, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 2, 1905.

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## LIENS.

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### CHAPTER 129.

[H. B. No. 230—Davis.]

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#### COSTS ON FORECLOSURE OF LIENS.

AN ACT to Amend Section 5577 of the Revised Codes, Relating to Costs on Foreclosure of Liens.

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

§ 1. AMENDMENT.] To amend section 5577 of the revised codes of the state of North Dakota, relating to costs on foreclosure of liens and that the same read as follows:

§ 5577. COSTS ON FORECLOSURE OF LIENS.] In all actions or proceedings for the foreclosure of a mortgage upon personal property or of a mortgage or other lien upon real property the plaintiff or person commencing such action or proceeding shall be entitled to tax as a part of his costs, when the amount of the debt secured by such mortgage or liens does not exceed the sum of five hundred dollars, the sum of twenty-five dollars; when the amount of the debt so secured exceeds five hundred dollars and does not exceed one thousand dollars, the sum of fifty dollars; when the amount of the debt so secured exceeds one thousand dollars and does not exceed two thousand dollars, the sum of seventy-five dollars; when the amount of the debt so secured exceeds two thousand dollars the sum of seventy-five dollars, and in addition thereto two per cent on the amount so secured in excess of two thousand dollars; provided, that none of the above fees shall be allowed unless the foreclosure proceedings shall be conducted under the supervision of an attorney duly authorized to practice in the courts of this state.

Approved March 11, 1905.