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# CRIME

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## CHAPTER 84.

[S. B. No. 283—Purcell]

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### RAPE.

AN ACT to Amend Sections 8893, 8894, 8895 and 8896 of the Revised Codes of North Dakota Defining Rape and Prescribing Punishment Therefor.

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

§ 1. AMENDMENT.] Section 8893 of the revised codes for 1905 is amended so as to read as follows:

§ 8893. RAPE IN THE FIRST DEGREE DEFINED.] Rape committed upon a female under the age of sixteen years, or incapable through lunacy or through unsoundness of mind of giving legal consent, or accomplished by means of force, overcoming her resistance, is rape in the first degree.

§ 2. AMENDMENT.] Section 8894 of the revised codes for 1905 is amended so as to read as follows:

§ 8894. RAPE IN THE SECOND DEGREE DEFINED.] In all other cases rape is of the second degree, but no conviction can be had in case the female is over the age of sixteen years and the male is under the age of twenty years at the time of the act of intercourse, and it appears to the satisfaction of the jury that the female was sufficiently matured and informed to understand the nature of the act, and consented thereto.

§ 3. AMENDMENT.] Section 8895 of the revised codes for 1905 is amended so as to read as follows:

§ 8895. PUNISHMENT FOR THE FIRST DEGREE.] Rape in the first degree is punishable by imprisonment in the penitentiary not less than five years.

§ 4. AMENDMENT.] Section 8896 of the revised codes for 1905 is amended so as to read as follows:

§ 8896. PUNISHMENT FOR SECOND DEGREE.] Rape in the second degree is punishable by imprisonment in the penitentiary not less than one year and not more than fifteen years.

Approved March 17, 1909.

## CHAPTER 85.

[H. B. No. 231—Kneeland]

## BASTARDY.

AN ACT to Amend Section 9650 of the Revised Codes of 1905, Relating to Bastardy Proceedings.

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

§ 1. AMENDMENT.] Section 9650 of the revised codes of 1905 of the state of North Dakota, is hereby amended to read as follows:

§ 9650. EXAMINATION. UNDERTAKING. COMMITMENT.] Upon the arrest of the defendant, unless he complies with the provisions of section 9649, or gives an undertaking as provided in section 9648, the defendant shall be taken before a magistrate as directed in the warrant of arrest, where he shall be entitled to a preliminary examination upon the charge made in the complaint. The provisions of article 10, chapter 6, of the code of criminal procedure, shall apply to such preliminary examination, except as otherwise provided in this chapter. If from such examination it appears to the magistrate that the complainant is an unmarried woman and has been delivered of a bastard child, or is pregnant with a child which if born alive may be a bastard, and that there is sufficient cause to believe that such child was begotten by the defendant, the magistrate shall require him to execute and give an undertaking in a sum not less than five hundred dollars and not exceeding one thousand dollars, with sufficient sureties, payable to the state of North Dakota, and conditioned that he will appear at the next term of the district court of such county and from term to term until the final disposition of the proceeding to answer the complaint and abide the judgment and orders of the court therein. If the defendant fails to execute and give such undertaking the magistrate shall make an order committing him as in criminal actions.

Approved March 11, 1909.

## CHAPTER 86.

[S. B. No. 324—Koffel]

## PROSTITUTION.

AN ACT Making It Unlawful For Any Person to Receive the Proceeds or Earnings of Any Woman Engaged in Prostitution.

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

§ 1. UNLAWFUL TO RECEIVE PROCEEDS.] Any person who shall knowingly accept or receive in whole or in part support or main-

tence or revenue from the proceeds or earnings of any woman engaged in prostitution shall be deemed guilty of a felony and upon conviction thereof shall be confined in the penitentiary not less than one nor more than five years, or be fined not exceeding one thousand dollars, or both, in the discretion of the court.

Approved March 16, 1909.

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CHAPTER 87.

[S. B. No. 329—Bessesen]

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PROSTITUTE.

AN ACT Defining a Prostitute and Prescribing the Punishment Therefor.

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

§ 1. PROSTITUTE DEFINED. PUNISHMENT.] Any female who frequents or lives in houses of ill-fame, or who commits fornication for hire, shall be deemed a prostitute, and shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed thirty days, or by a fine not to exceed one hundred dollars, or by both such fine and imprisonment.

Approved March 16, 1909.

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CHAPTER 88.

[S. B. No. 327—Bessesen]

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HOUSE OF PROSTITUTION.

AN ACT to Amend Section 8899 of the Revised Codes of North Dakota of 1905, Defining the Offense of Inveigling Into House of Prostitution, and Prescribing the Punishment Therefor.

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

§ 1. AMENDMENT.] Section 8899 of the revised codes of North Dakota of 1905 is hereby amended to read as follows:

§ 8899. INVEIGLING INTO HOUSE OF PROSTITUTION. PUNISHMENT.] Every person who inveigles or entices any unmarried female of previously chaste character, into any house of ill fame or of assignation or elsewhere, for the purpose of prostitution, and every person who aids or assists in such abduction for such purpose, is punishable by imprisonment in the penitentiary for not less than one and not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Approved March 15, 1909.

## CHAPTER 89.

[S. B. No. 332—Bessesen]

## DETENTION IN HOUSE OF ILL FAME.

AN ACT Defining the Crime of Detention of a Woman in a House of Ill-Fame Against Her Will, and Prescribing the Punishment Therefor.

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

§ 1. DETENTION OF WOMAN IN HOUSE OF ILL-FAME AGAINST HER WILL. PUNISHMENT.] Any person who shall detain any woman against her will by force, threats, putting in bodily fear, or by any other means, at a house of ill-fame, or any other place of any other name or description, for the purpose of prostitution, or for unlawful sexual intercourse, or who shall aid, abet, advise, encourage or assist in such detention, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state penitentiary for a period not to exceed three years, or by imprisonment in the county jail not to exceed one year, or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment.

Approved March 16, 1909.

## CHAPTER 90.

[S. B. No. 179—Gunderson]

## ARREST AT NIGHT.

AN ACT Repealing Section 9733 of the Revised Codes for the Year 1905, Relating to Arrests at Night, and Re-enacting Same.

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

§ 1. AMENDMENT.] Section 9733 of the revised codes of North Dakota for the year 1905 is hereby amended to read as follows:

§ 9733. ARREST AT NIGHT, REASONABLE CAUSE.] He may also at night without a warrant arrest any person for a public offense, committed or attempted in his presence, and may also at night without a warrant arrest any person whom he has reasonable cause for believing to have committed a felony, and is justified in making the arrest, though it afterwards appear that the felony had not been committed.

Approved March 13, 1909.

## CHAPTER 91.

[S. B. No. 168—Crane]

## BURGLAR'S IMPLEMENTS.

AN ACT to Amend Section 9151 of the Revised Codes of North Dakota, of 1905, Relating to Having Burglar's Implements in Possession.

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

§ 1. AMENDMENT.] Section 9151 of the revised codes of North Dakota, 1905, be and the same is hereby amended and re-enacted to read as follows:

§ 9151. HAVING BURGLAR'S IMPLEMENTS IN POSSESSION.] Every person who, under circumstances not amounting to any felony, has in his possession any dangerous offensive weapon or instrument whatever, or any picklock, crow, key, bit, jack, jimmy, nippers, pick, betty or other implement of burglary, with intent to break and enter any building, booth, tent, railroad car, vessel or other structure or erection, and to commit any felony therein, is guilty of a misdemeanor.

Approved March 13, 1909.

## DAIRY PRODUCTS

## CHAPTER 92.

[H. B. No. 307—Duncan]

## DAIRY DEPARTMENT OF DEPARTMENT OF AGRICULTURE AND LABOR.

AN ACT to Create a Bureau of the Department of Agriculture and Labor to be Known as the Dairy Department; to Provide for the Appointment of a Dairy Commissioner and an Assistant Dairy Commissioner; Fixing Their Compensation; Defining Their Powers and Duties; Prescribing Rules for the Regulation of the Manufacture and Sale of Dairy Products; Prescribing Penalties for Violations; Providing for a License for Creameries, Manufacturers of Butter and Cheese, Stations and Cream Buyers Throughout the State, and Making an Appropriation for the Purposes of This Act.

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

§ 1. DAIRY DEPARTMENT CREATED.] There is hereby created a bureau of the department of agriculture and labor to be known