

order must be made transferring the same accordingly. But the place of trial cannot be changed more than once by each party under the provisions of this section.

Approved March 15, 1909.

PROHIBITION

CHAPTER 181.

[S. B. No. 74—McDonald]

REPEAL OF REWARDS FOR CONVICTION OF VIOLATORS OF PROHIBITION LAW.

AN ACT to Repeal Section 9395 of the Revised Codes of North Dakota, 1905, Relating to Rewards for the Arrest and Conviction of Violators of the Prohibition Law.

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

§ 1. REPEAL.] Section 9395, revised codes of North Dakota, 1905, is hereby repealed.

§ 2. EMERGENCY.] Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1909.

CHAPTER 182.

[H. B. No. 114—Ganssle]

LIQUOR LICENSE.

AN ACT to Amend Chapter 189 of the Session Laws of 1907.

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

§ 1. AMENDMENT.] Section 1, of chapter 189, of the session laws of 1907, is hereby amended so as read as follows:

§ 1. LIQUOR LICENSE. TAX RECEIPT REGISTERED. EXCEPTION.] Every receipt, stamp or license showing payment of the special tax levied under the laws of the United States upon the business of selling distilled, malt or fermented liquor, issued to or held by any person, firm or corporation in this state, shall be registered and published as in this act required; provided, however, that nothing in this act contained shall be so construed as to apply to registered

pharmacists who are conducting a regularly established pharmacy in this state.

Approved March 16, 1909.

CHAPTER 183.

[H. B. No. 288—McCrea]

SALE OF LIQUOR BY DRUGGISTS.

AN ACT to Amend Sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363 of the Revised Codes of 1905 and Any Acts Amendatory Thereof, and to Re-enact Sections 9364 and 9365 of Said Code, Regulating the Sale of Intoxicating Liquors by Druggists Who Are Registered Pharmacists, and to Provide a Method of Such Sales, and of Granting and Revoking of Permits.

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

§ 1. AMENDMENT.] Section 9354, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9354. DRUGGIST'S PERMIT, HOW OBTAINED.] It shall be unlawful for any person or persons to sell or barter, for medical, scientific, sacramental or mechanical purposes, any malt, vinous, spirituous, fermented or other intoxicating liquors, without first having procured a druggist's permit therefor from the district judge of the judicial district wherein such druggist may be doing business at the time; and such district judge is hereby authorized in his discretion to grant a druggist permit for a period of one year, to any person of good moral character who is a registered pharmacist under the laws of this state, and lawfully and in good faith engaged, personally and individually, in the business of a druggist in his district, and who, in his judgment, can be entrusted with the responsibility of selling such liquors for the purposes aforesaid in the manner hereinafter provided. In order to obtain a druggist permit under this act, the applicant shall file in the office of the clerk of the district court of the county wherein he is doing business, not less than thirty days prior to the hearing thereof, a petition signed by the applicant. All petitions shall set forth:

1. The town, village, city or township, and particular place therein wherein such business is located, and that the applicant is a person of good moral character, and does not use intoxicating liquors as a beverage, and can be entrusted with the responsibility of selling the same.

2. That said applicant is a pharmacist as aforesaid, and is lawfully and in good faith engaged personally in the business of a druggist, as the proprietor thereof, at the place designated in the petition, and well versed in the profession.

3. That said applicant has, in his said business, exclusive of intoxicating liquors and fixtures, a stock of drugs and druggist's sundries, if in any city, of the value of at least two thousand dollars, and if elsewhere of the value of at least fifteen hundred dollars; provided, that permits may be granted to any pharmacist possessing all the qualifications herein set forth who owns in his own right in any partnership, association or corporation, if in a city, an amount of interest or capital stock of at least two thousand dollars and if elsewhere of the value of at least fifteen hundred dollars and who is the manager and in actual personal charge of the business of such partnership or corporation at the place of its retail business, and who in addition to his responsibility as a partner or stockholder, shall become personally and individually responsible for all sales in the same manner and to the same extent that he would if he owned said business in person, and; provided, that such applicant must have been engaged in business as a druggist at the place designated in said petition for a period of at least six months next preceding the making of the application for such permit, and; provided, that only one permit shall be granted or issued to the same person.

§ 2. AMENDMENT.] Section 9355, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9355. HEARING. APPLICATION TO BE PUBLISHED.] When said petition is filed, the judge of the district court shall fix a time and place for hearing the same, at the county seat, which shall be at a regular or special term of the district court in said county, unless for satisfactory reasons the judge shall order another time for such hearing. Before any such petition shall be heard, or any permit issued to such applicant, he shall publish for at least thirty days next prior thereto, a notice in some newspaper in the town, village, township or city, where such business is located, or if none is published therein, then in some paper of general circulation in the county, stating the time and place set by the judge for the hearing of such petition. The applicant shall be required to prove the truthfulness of each and every statement contained in such petition, and the state's attorney of the county shall, and any other citizen of the county may, appear and cross-examine the witnesses of the applicant, and may introduce evidence in rebuttal of the evidence offered by the applicant. If satisfied that the statements in such petition are true, the district judge may in his discretion grant a permit to the applicant to sell intoxicating liquors for medical, mechanical, scientific, and wine for sacramental purposes only; and such permit shall be recorded upon the journal of the district court, and a certified copy thereof shall be posted in a conspicuous place in the store wherein such business is carried on before it shall be of any validity. The proofs offered to show the applicant entitled

to a permit must be clear, specific, satisfactory and of such a character as to leave in the mind of the judge no hesitation or substantial doubt as to their truth, and the burden of producing such proof shall always be upon the applicant.

§ 3. AMENDMENT.] Section 9356, revised codes of the state of North Dakota, 1905, is amended so as to read as follows:

§ 9356. BOND AND OATH OF APPLICANT. REVOCATION OF PERMIT.] 1. Before such permit shall be of any validity such druggist shall file with the clerk of the district court an oath or affirmation to the effect that he will support and defend the constitution of the United States and of the state of North Dakota, and that he will faithfully obey all the provisions of this act. All certificates and returns made by him shall be deemed made under the sanctity of this oath or affirmation; and shall also file with said clerk, to be approved by the judge, a good and sufficient bond to the state of North Dakota, in the sum of one thousand dollars, executed by five freeholders of the county who shall justify in double the amount of said bond on surety bond, conditioned that such applicant and any one in his employ will neither issue, sell, barter or give away any intoxicating liquors in violation of the law, and on violation of any provisions of said bond the same shall thereby become forfeited in the full amount thereof; and the conviction of said pharmacist or any one in his employ shall be deemed prima facie evidence of such violation. From the decision of such district judge there shall be no appeal.

2. If at any time there shall be filed with the district judge a petition stating that any druggist, naming him, who has a permit to sell intoxicating liquors, is not in good faith conforming to the provisions of this chapter, verified by the affidavit of at least one of the petitioners hereinafter named, and signed by either the attorney general, his assistant, the state's attorney, or three reputable men who reside in the town, village, township or city in which the business of said druggist is carried on, requesting that the permit of such druggist be canceled, the district judge shall immediately issue an order citing such druggist to appear before him on a day named, not less than ten nor more than sixty days from the date of issuing such order, at which time the question of cancellation of such permit shall be considered. Such proceedings shall be entitled in the name of the state of North Dakota against the party whose permit it is sought to cancel; they shall be special and judicial in their nature and triable before the court as actions are now tried without a jury. Appeals to the supreme court shall be allowed, provided notice thereof in writing be given within ten days from the date of notice of the entry of judgment. Pending such appeal the judgment of the court shall not be stayed.

§ 4. AMENDMENT.] Section 9357, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9357. PENALTIES. FEES.] If any district judge shall issue a permit to any person not registered as a pharmacist or shall knowingly grant the same to a person in the habit of becoming intoxicated or not in good faith engaged in the business of a druggist as a proprietor thereof, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred nor more than one thousand dollars. Before the petition of a druggist for a permit to sell intoxicating liquors shall be heard by the district judge the applicant shall pay a fee of five dollars to the clerk of the district court, who shall pay the same into the county treasury on or before the first day of the following month for the benefit of the general revenue fund. All permits now in force shall expire July 1, 1909; provided, that if any person, then having an unexpired permit, in good faith and at least thirty days prior to July 1, 1909, has made application for another permit under the provisions of this act, his permit shall remain in full force until such time as the judge shall pass upon such application, at which time all rights under such former permit shall cease.

§ 5. AMENDMENT.] Section 9358, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9358. CASES OF EMERGENCY.] Any physician who is lawfully and regularly engaged in the practice of his profession as a business, and who, in case of emergency and actual need, shall deem any intoxicating liquors necessary for the health of his patients, may give such patient a written or printed prescription therefor, not exceeding one pint in quantity, stating in said prescription the particular disease for which it is given, or may administer the same himself; but no such prescription shall be given, or liquors administered, except in cases of emergency and actual need, and any physician giving such prescription shall insert therein the true date of its issue, and no such prescription shall be filled except on date given, or the following day, and shall not be refilled, and shall be retained on file for the period of two years by the druggist filling the same; provided, that such emergency shall not be construed to allow a pharmacist to fill such prescription unless he holds a druggist permit; nor does it allow the physician to sell such liquor to his patient unless he has a druggist permit so to do. And every physician who shall give such prescription or administer such liquors in violation of this chapter, and every physician who shall give to or write for any person a prescription for intoxicating liquors for the purpose of enabling or assisting any person to evade any of the provisions of this chapter, or for the purpose of enabling or assisting any person to obtain any intoxicating liquors for use as a beverage, or to be sold or disposed of in any manner, in violation of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less

than three hundred dollars nor more than eight hundred dollars, and by imprisonment in the county jail not less than thirty days nor more than six months.

§ 6. AMENDMENT.] Section 9359, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9359. REGULATING DRUGGIST SALES. AFFIDAVITS.] Any druggist having a permit to sell intoxicating liquors, under the provisions of this chapter, may sell the same only by himself in person, or by a clerk who is a registered pharmacist or assistant pharmacist under the laws of this state, for medical purposes only, upon the printed or written affidavit of the applicant, setting forth the particular medical purposes for which such liquor is required, the kind and quantity desired; that it is necessary and actually needed for the particular purpose, by the patient to be named; and that it is not intended for a beverage nor to sell or give away; that the applicant is over twenty-one years of age; which affidavit shall be in the following form and subscribed by the applicant in ink.

No. Date.....
State of North Dakota, county ofss.

I the undersigned do solemnly swear that my real name is; that I reside at; (if in a city the name of street must be given; if in a town or village the name of street must be given; if in the country, the section, township and range;) county of state of; that is necessary and actually needed by to be used as a medicine for the disease of; that it is not intended as a beverage nor to sell nor to give away, and that I am over twenty-one years of age. I therefore make application to, druggist for said liquor.

.....Applicant.

Subscribed in my presence and sworn to before me this day of, 19....

..... Pharmacist.
State of North Dakota, county ofss.

On thisday of in the year before me personally appeared known to me (or proved to me on oath of) to be the person who is described in and who executed the foregoing application and acknowledged to me that he executed the same.

.....Pharmacist.

§ 7. AMENDMENT.] Section 9360, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9360. SALES FOR MECHANICAL, SCIENTIFIC AND SACRAMENTAL PURPOSES.] Any such druggist may sell intoxicating liquors for

mechanical, scientific, and wine for sacramental purposes only, upon the written or printed affidavit of the applicant, setting forth the particular purposes for which such liquor is required, the kind and quantity desired, that it is not intended to be used as a beverage, nor to sell nor to give away, and that it is intended only for his own use, and that the applicant is over twenty-one years of age. Such affidavit shall be in the following form, and subscribed by the applicant in ink:

No. Date.....
State of North Dakota, county of ss.

I, the undersigned, do solemnly swear that my real name is; that I reside at (if in the city, name of the street must be given and if in a town or village the name of the street must be given; if in the country, the section, township and range) county of, state of; thatof is required by myself to be used for purposes, to be used for; that it is not intended for a beverage, nor to sell nor to give away and that I am over twenty-one years of age. I therefore make application to, a druggist, for said liquor.
.....Applicant.

Subscribed in my presence and sworn to before me this day of 19.....

State of North Dakota, County ofss.
On thisday ofin the year before me personally appeared known to me to be (or proved to me on oath of) to be the person who is described in and who executed the foregoing application and acknowledged to me that he executed the same.
.....Pharmacist

§ 8. AMENDMENT.] Section 9361, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9361. QUANTITY LIMITED. BLANKS.] There shall be but one sale and one delivery of not to exceed one-half pint of any intoxicating liquors on any one affidavit to any one person in each twenty-four hours; but no druggist shall permit the drinking on his premises, nor in any apartment connected therewith and under his control, any of the intoxicating liquors purchased by affidavit or otherwise; provided, such druggist shall be permitted to sell any of the liquors mentioned herein, to any other druggist within the state holding a permit as provided in this chapter or to public or charity hospitals or to medical or pharmaceutical colleges. The affidavits provided for in sections 9359 and 9360 shall be made before the pharmacist or assistant pharmacist making sale of such liquors, upon proper printed blanks, which it is hereby made the duty of the county auditor of the county in which such sales are made to furn-

ish to such druggist at a cost equal to the actual and necessary outlay made therefor by him. Such blanks shall be in series of 100 each, numbered from 1 to 100 consecutively, and bound in book form, each series being of uniform style throughout except that no two blanks of the same series shall be of the same number. It shall be the duty of the county auditor to indorse each such book with the date of delivery and to whom made, to sign such indorsement and attest the same with his official seal, and to keep two exact printed copies, except as to numbers, of the blanks of each series, one of which shall be filed in his office and one in the office of the clerk of the district court; he shall also keep a record of the series, and of the number of each series, of such blanks furnished to each druggist, and shall, within ten days after the same are delivered to such druggist, file a copy thereof, together with a copy of the blank affidavits, in the office of the clerk of the district court of his county. For such services the county auditor shall be entitled to a fee of twenty-five cents for each series of blanks so furnished, to be paid by the druggist obtaining such blanks.

§ 9. AMENDMENT.] Section 9362, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9362. OATHS, AFFIDAVITS, PRESERVED.] All pharmacists and assistant pharmacists are hereby empowered to administer oaths for the purpose of this chapter, and no such affidavit shall be received by any pharmacist or assistant pharmacist until it shows on its face that it has been properly subscribed and sworn to by the applicant. The affidavits provided for in this section shall be retained by the druggist in the original book form, and on or before the first day of each month, shall, together with the affidavit of such druggist that the liquors therein contained [mentioned] are all the intoxicating liquors sold by him during the month, except liquors sold to other druggists, be returned intact and filed in the office of the clerk of the district court of the county where the permit was issued, where they shall be safely kept for the period of two years from the date of filing. Before said affidavits shall be received or filed by said clerk of the district court he shall make strict examination of the copies of affidavits and records of numbers thereof furnished him by the county auditor, and ascertain whether such druggist has returned all affidavits furnished him in blank by the county auditor; and if any such affidavit or blank is missing, said clerk shall require such druggist to file instead thereof his affidavit, showing as near as he can what has become of such affidavit or blank; and any person having a permit to sell intoxicating liquors under the provisions of this chapter, shall each month at the time he files the affidavit herein provided for, also file with the clerk of the district court an affidavit setting forth the amounts and kinds of liquors, as near as can be done, which such person or

firm of which he is a member has on hand the day such affidavit is made, as well as the amounts and kinds of liquors he has purchased or procured during the preceding month and the name or names of the persons, companies or corporations and their place of doing business, from whom, and the date on which such liquors were purchased or procured.

§ 10. AMENDMENT.] Section 9363, revised codes of the state of North Dakota, 1905, be and the same is hereby amended to read as follows:

§ 9363. FEES, DISPOSITION OF.] For each series of affidavits filed under the provisions of this chapter, the clerk of the district court shall collect one dollar and fifty cents from the druggist filing the same, or the proportionate part thereof for the number filed, which shall be paid by him on the first day of each month into the county treasury for the benefit of the general county fund. The clerk of the district court shall receive no fees for his services under this chapter, except a salary of fifteen dollars per annum for each one thousand inhabitants in such county, the number to be determined by the last census return of such county, but in no case shall such salary exceed in the aggregate the sum of one thousand dollars per annum, to be paid by the county commissioners as other salaries.

§ 11. AMENDMENT.] Section 9364, revised codes of the state of North Dakota, 1905, be and the same is hereby re-enacted to read as follows:

§ 9364. PENALTY. RECORD OF SALES.] Every person, whose affidavit so made for the purpose of obtaining intoxicating liquors shall be false in any material matter, shall be deemed guilty of perjury, and is punishable by imprisonment in the penitentiary not less than one and not exceeding two years, or in the county jail not less than six months. Any person who shall subscribe any name or character other than his own name to any affidavit for the purpose of obtaining intoxicating liquors as provided herein, shall be deemed guilty of forgery in the fourth degree, and punished therefor by imprisonment in the penitentiary not exceeding two years and not less than one year. Any person who shall sell or furnish any intoxicating liquors so obtained by him upon affidavit or certificate, to others as a beverage, or shall use the same as a beverage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars and by imprisonment in the county jail not less than thirty nor more than ninety days. Every druggist shall keep a book wherein shall be recorded, daily, all sales of intoxicating liquors made by him or his employes, showing the name and residence of the purchaser, and kind and quantity of liquors sold, the purpose for which it was sold, and the date of sale. Such record and affidavit shall be open for the inspection of the public at all reasonable times during

business hours, and any person so desiring may take memoranda or copies thereof.

§ 12. AMENDMENT.] Section 9365, revised codes of the state of North Dakota, 1905, be and the same is hereby re-enacted to read as follows:

§ 9365. FALSE AFFIDAVIT. OTHER VIOLATIONS. PENALTIES.] Any druggist or pharmacist, or assistant pharmacist in his employ, who shall fail or neglect to make and keep a record as herein provided of any intoxicating liquors by him sold before the same are delivered, or shall refuse any person an examination of such records or the taking of memoranda or copy therefrom at any time during business hours; or who shall sell, barter or give away any such liquors at any place not designated in his permit or upon any affidavit other than those herein provided; or shall make any false affidavit as to any sales made by him or his employes, or shall fail to sign the certificate to the signature of any applicant for such liquor prior to the delivery thereof, or shall sign any false certificate to any such affidavit, or shall mutilate or remove any affidavit from the book to him issued as aforesaid; or shall fail to return the same as hereinbefore provided; or shall sell any intoxicating liquor to any person whom he has reason to believe desires the same to use as a beverage; or sell liquor when he has reason to believe the liquor sold is not a remedy for the ailment described in the affidavit therefor; or shall sell, barter or give away any intoxicating liquors to any minor, any person under the influence of liquor, or who is in the habit of becoming intoxicated, or who shall allow such liquor sold as a medicine or otherwise to be drunk on his premises, or premises under his control; or in any manner omit any act required of him herein, or violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred nor more than one thousand dollars, and be imprisoned in the county jail not less than ninety days nor more than one year; and shall forfeit his permit issued under the provisions of this chapter, and his right to obtain a permit within five years next thereafter; and in all cases when forfeitures are provided under the provisions of this chapter, the court shall declare the same on rendering judgment in the action.

§ 13. REPEAL.] All acts and parts of acts in any manner in conflict with this act are hereby expressly repealed.

Approved March 15, 1909.

CHAPTER 184.

[H. B. No. 208—Bjorndahl]

CERTAIN ADVERTISING PROHIBITED.

AN ACT to Prohibit the Printing, Publishing, Circulating or Distributing of Advertisements or Advertising Matter Relating to the Treatment or Cure of Venereal Diseases or Disorder or Diseases of the Sexual Organs, or Relating to Any Medicines, Drugs, Drug Compounds, Appliances or Means for Causing Miscarriage or Abortion or Regulating or Re-establishing Suppressed Menses, and Providing Punishment for the Violation of This Act.

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

§ 1. CERTAIN ADVERTISING PROHIBITED. PENALTY.] Any person who shall advertise, in his own name or the name of another person, firm or pretended firm, association, corporation, or pretended corporation, or in any newspaper, pamphlet, circular or other written or printed paper or the owner, publisher or manager of any newspaper or periodical who shall permit to be inserted or published in any newspaper or periodical owned or controlled by him an advertisement of the treatment or curing of venereal diseases, the restoration of "lost manhood" or "lost vitality", or shall advertise in any manner that he is a specialist in diseases of the sexual organs or diseases caused by sexual weakness, self-abuse or in any disease of like causes, or who shall advertise in any manner any medicine, drug compound, appliance or any means whatever whereby it is claimed that sexual diseases of men and women may be cured or relieved, or miscarriage or abortion produced, or who shall advertise any medicine or means whereby the monthly periods of women can be regulated, or the menses re-established if suppressed, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months.

§ 2. DISTRIBUTING UNLAWFUL.] Any person publishing, distributing or causing to be distributed or circulated, any of the advertising matter hereinbefore prohibited shall be guilty of a misdemeanor and punished as prescribed in section one of this act.

Approved March 16, 1909.

CHAPTER 185.

[H. B. No. 101—Olson]

LIQUOR ADVERTISING.

AN ACT Prohibiting Liquor Dealers, Breweries and Wholesale Liquor Houses from Advertising Within the State.

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

§ 1. UNLAWFUL TO ADVERTISE.] It is hereby declared to be unlawful for any person, firm or corporation, to publish or circulate advertising matter, send out or have within this state, or by any means to advertise for the purchase or the sale of intoxicating liquors.

§ 2. PENALTY.] Any person, firm or corporation violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, or by imprisonment in the county jail for not less than ten days, nor more than thirty days.

Approved March 11, 1909.

CHAPTER 186.

[S. B. No. 79—Pierce]

SOLICITING ORDERS FOR LIQUORS UNLAWFUL.

AN ACT to Amend Chapter 192 of the Session Laws of 1907, Entitled "An Act to Prohibit the Soliciting of Orders for the Future Delivery Without This State of Intoxicating Liquors, to be Transported Into This State to be Used or Sold in Violation of the Laws Thereof, and Providing a Penalty for Its Violation."

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

§ 1. AMENDMENT.] Chapter 192 of the session laws of 1907 be and the same is hereby amended so as to read as follows, to-wit:

§ 1. UNLAWFUL.] It is hereby declared to be unlawful for any person to solicit or procure from, or to aid in soliciting or procuring from, any person within this state, not a person holding a permit authorizing the sale of intoxicating liquors, any order, direction or instruction providing for the delivery, purchase or sale, either within or without the state of North Dakota, to be used as a beverage therein, within the meaning of chapter 65 of the revised codes, any spirituous, malt, vinous, fermented or other intoxicating liquors.

§ 2. PENALTY.] Any person violating the provisions of section one of this act shall for the first offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than two hundred nor more than one thousand dollars, and be imprisoned in the county jail not less than ninety days nor more than one year, and for every succeeding offense shall be deemed guilty of a felony, and be punished by imprisonment in the penitentiary not exceeding two years.

Approved February 26, 1909.

CHAPTER 187.

[H. B. No. 117—McCrea]

INTOXICATING LIQUOR DEFINED.

AN ACT to Amend Section 9366 of the Revised Codes of North Dakota, as Amended by Chapter 191 of the Laws of 1907, Defining Intoxicating Liquors.

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

§ 9366. INTOXICATING LIQUORS DEFINED.] The following liquors are hereby declared to be intoxicating and their intoxicating quality shall, by all courts, be presumed, viz: Alcohol, whiskey, rum, brandy, beer, ale, porter, wine and hard cider, also all spirituous, malt, vinous, fermented or other intoxicating liquors or mixtures thereof by whatsoever name called whether mentioned in section one of this act or not, that will produce intoxication of any degree; or any mixtures of such, or any kind of beverage whatsoever, which retaining the alcoholic principle or other intoxicating qualities as a distinctive force, may be used as a beverage and become a substitute for the ordinary intoxicating drinks, or any liquors or liquids which are made, sold or offered for sale as a beverage and which shall contain coculus indicus, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, tobacco, darnal seed, extract of logwood, salts of zinc, copper or lead, alum or any of its compounds, methyl alcohol or its derivatives, amyl alcohol or any extract or compound of any of the above ingredients, shall be considered and held to be intoxicating liquors within the meaning of this chapter.

§ 2. EMERGENCY.] Owing to the inadequate definition of intoxicating liquors now existing, there is an emergency existing and this act shall take effect immediately upon its passage and approval.

Approved March 11, 1909.