

of the state, who is not a citizen of the United States, and who shall not be a bona fide resident of the state.

§ 2. REPEAL.] All acts or parts of acts inconsistent with this act are hereby repealed in so far as they are inconsistent herewith.

§ 3. EMERGENCY.] Whereas, there is now no adequate legislation in this state covering the subjects embraced in this act, therefore this act shall take effect and be in full force from and after the date of its passage and approval.

Approved February 10, 1911.

DISTRICT COURT

CHAPTER 121.

[H. B. No. 50—Fraine]

SHARE OF HEIRSHIP.

AN ACT to Provide for the Determination of Heirship and the Share of Such Heirs Respectively in the Claims to Certain Real Estate by Action in the District Court.

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

§ 1. HEIRS OF DECEASED ENTRYMEN, COURT MAY DETERMINE WHO ARE.] When any person holding a homestead or tree claim under the laws of the United States shall have died before patent therefor has been issued, and, by reason of such death a patent shall afterward be granted to "the heirs" of such person, the district court of the county in which the lands so patented are situated, may, in a civil action brought for that purpose, determine who are such heirs, and determine their respective shares in said homestead or tree claim.

§ 2. PROCEDURE.] The provisions of the Code of Civil Procedure of North Dakota relating to the determination of adverse claims to real estate in so far as the same may be applicable shall pertain and govern the procedure in the action provided for in section 1 hereof.

§ 3. EMERGENCY.] Whereas, an emergency exists in this that there is no law providing for determination of heirship in cases herein provided for, therefore this act shall take effect and be in force immediately after its passage and approval.

Approved March 3, 1911.

CHAPTER 122.

[H. B. No. 188—Moen of Benson]

LIST OF JURORS TO CLERK OF THE COURT.

AN ACT to Amend Section 521 of the Revised Codes of 1905 Relating to the Furnishing of a List of Jurors to the Clerk of the District Court.

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

§ 1. AMENDMENT.] Section 521 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 521. AUDITOR FURNISHING LIST TO CLERK OF COURT.] Such clerk or auditor shall immediately thereafter forward by mail to the clerk of the district court of his county a list of the names so drawn with the post office address of each person named in such list; and the clerk of the district court shall make out and record in a book to be kept for that purpose, a list of the names so forwarded to him together with such post office addresses, but a failure of the officers of any township, city or village to comply with the provisions of the foregoing section shall not invalidate such list.

Approved March 3, 1911.

DESERTION AND NON-SUPPORT

CHAPTER 123.

[S. B. No. 174—Bessesen]

DESERTION AND NON-SUPPORT OF FAMILY.

AN ACT Relating to Desertion and Non-support of Wife by Husband, or of Children by Either Father or Mother and Providing Punishment Therefor; and Providing for Manner of Procedure and Evidence Required in Such Cases; and to Promote Uniformity Between the States in Reference Thereto.

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

§ 1. DESERTION OR REFUSAL TO SUPPORT BY HUSBAND OR PARENT. PENALTY.] That any husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessary circumstances, or any parent who shall, without lawful excuse, desert or wil-