

mous vote of those present of said board convened as such, four of whom shall constitute a quorum; "Provided that at special meetings, called in case of emergency, the governor, the chief justice of the supreme court and the attorney general may constitute a quorum." A reprieve in a case where capital punishment has been imposed may be granted by the governor, but for such time only as may be necessary to secure a meeting of said board of pardons for the consideration of an application for a reprieve, pardon or commutation of the sentence so reprieved. Said board may grant an absolute or conditional pardon, and any conditional pardon shall state the terms and conditions on which it was granted. Such board of pardons may issue its warrant under the seal of said board to any proper officers to carry into effect such pardon which warrant shall be obeyed and executed instead of the sentence which was first originally pronounced.

Approved March 3, 1911.

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## PROHIBITION

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### CHAPTER 228.

[S. B. No. 241—Temperance Committee]

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#### PROHIBITING USE OF INTOXICATING LIQUORS ON PASSENGER TRAINS IN THE STATE.

AN ACT Entitled an Act to Prevent Drinking or Offering to Others to Drink as a Beverage any Intoxicating Liquors upon Passenger Trains in the State of North Dakota.

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

§ 1. Any person who shall publicly drink, or offer to another any intoxicating beverage upon any train carrying passengers, except in a buffet or dining car, or who shall be intoxicated upon any train operated upon any railroad in the state of North Dakota, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding fifty dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

§ 2. Police power is conferred hereby upon every conductor of a railroad company engaged in operating passenger trains upon any line of railway in North Dakota. It shall be the duty

of every conductor while upon duty upon any train or car used for the conveyance of passengers, to arrest any person who shall in their presence or to their knowledge violate the provisions of section one of this act, and to deliver him or them to any policeman, constable or other peace officer at any station where such officer may be found, and it shall be the duty of such officer to make complaint against said person or persons, and an information made upon information and belief of said officer shall be sufficient.

§ 3. Any justice of the peace in any county through which any train carrying passengers shall pass on any division of any railroad within this state, shall have jurisdiction of said offense, in the county in which said offense is committed.

§ 4. It shall be the duty of every railroad company operating passenger trains in North Dakota to post conspicuously in every passenger coach a placard inscribed: "Drinking or offering others intoxicating liquors upon this train prohibited by law."

Approved March 3, 1911.

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#### CHAPTER 229.

[H. B. No. 2—Fried]

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#### PROHIBITION IN STATE INSTITUTIONS.

AN ACT to Prohibit the Introduction of Intoxicating Liquors, Narcotics, or Other Habit-forming Drugs Into Any of the Buildings or Upon the Premises of Any of the Penal or Charitable Institutions of the State.

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

§ 1. Every person who shall take, send or introduce any intoxicating liquor, narcotic, or other habit-forming drug of any kind into any of the buildings or upon any of the premises of the state hospital for the insane, school for deaf and dumb, school for the blind, reform school, state penitentiary, or other penal or charitable institutions of the state, except upon the express authority of the physician or chief executive officer of such institution, given in writing, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, there is no present law to prevent the introduction of intoxicating liquors and narcotics into such institutions, therefore, this act shall take effect from and after its passage and approval.

Approved February 10, 1911.

## CHAPTER 230.

[H. B. No. 114—Peart]

## PREVENTION OF THE DISPOSING OF LIQUORS.

AN ACT to Prevent the Giving Away or Otherwise Disposing of Intoxicating Liquors as a Beverage at Public and Private Sales of Property.

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

§ 1. Any person, association, or corporation, or any auctioneer, who shall, at any public or private sale of property, either real, personal, or mixed, directly or indirectly in any manner give, sell, barter, or furnish, or aid, assist, or abet others in giving, selling, bartering or furnishing, or by any means whatsoever distributing to or among the persons assembled at such sale intoxicating liquors as a beverage, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred (\$200) dollars, nor more than one thousand (\$1,000) dollars, and by imprisonment in the county jail not less than ninety days, nor more than one year.

§ 2. EMERGENCY.] An emergency exists in that there is no adequate law to prevent the acts herein mentioned; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 18, 1911.

## CHAPTER 231.

[H. B. No. 130—DeNault]

## DEFINING INTOXICATING LIQUORS.

AN ACT to Amend Section 9366 of the Revised Codes of North Dakota as Amended by Chapter 191 of the Laws of 1907 and Chapter 187 of the Laws of 1909, Defining Intoxicating Liquors.

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

§ 1. Section 9366 of the Revised Codes of North Dakota for the year 1905, be and the same is hereby amended to read as follows:

§ 9366. INTOXICATING LIQUORS DEFINED.] The following liquors are hereby declared to be intoxicating and their intoxicating quality shall by all courts, be presumed, viz: All spiritous, malt, fermented and vinous liquors, (except unfermented grape juice in hermetically sealed bottles), alcohol, whiskey, rum, brandy, beer, ale, porter, wine, hard cider, and malt, or mixtures

thereof, by whatsoever name called, or any liquor that will produce intoxication of any degree, or any liquor 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, darmaal seed, extract of logwood, salts of zinc, copper or lead, alum or any of its compound, 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. **HARD CIDER DEFINED.**] Hard cider within the meaning of this act is any liquid sold under the name of cider, or the juice of any fruit or berry or mixture thereof, or liquor purporting to be the juice of any fruit or berry, which shall contain more than one per cent of alcohol, or shall be proved to be intoxicating.

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

Approved March 3, 1911.

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## PUBLIC PRINTING AND PUBLISHING

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### CHAPTER 232.

[H. B. No. 76—Price]

#### PUBLICATION OF COMMISSIONERS PROCEEDINGS.

AN ACT in Relation to the Legal Rates for the Publication of Legal Notices, Reports, and Proceedings, and to Amend Section 2432 of the Revised Codes of 1905 Relating to the Publication of the Proceedings of Boards of County Commissioners, and the Legal Rates Therefor:

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

§ 1. **AMENDMENT.**] Section 2432 of the Revised Codes of 1905 is amended so as to read as follows:

§ 2432. **PROCEEDINGS OF BOARD TO BE PUBLISHED. LEGAL RATES THEREFOR.**] It shall be the duty of the board to cause to be published in three newspapers published in its county, or in case there are not three newspapers published within the county qualified to make such publication, then in as many as there are, a full and complete report of all its official proceedings at each regular and special meeting, such proceedings to be published as