

and not more than one hundred dollars, or be imprisoned in the county jail for not less than thirty days nor more than ninety days, in the discretion of the court.

Approved March, 11, 1913.

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## DISTRICT COURTS

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### CHAPTER 135.

[H. B. No. 1—Moen of Benson.]

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#### RELATING TO SUMMONING OF JURORS.

AN ACT to Amend Sections 525 and 527, of the Revised Codes of 1905, Relating to the Summoning of Jurors:

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

§ 1. AMENDMENT.] Section 525 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 525. DUTIES OF THE CLERK OF COURT.] Such clerk shall on the day of the drawing aforesaid issue a venire, or venires, as the case may be, directed to the proper officer of the county, commanding such officer to summon the persons whose names are drawn to appear before the district court at the hour, day and place designated in the order of the judge. A separate venire shall issue for the grand jury when such jury is ordered. It shall be the duty of the clerk, when issuing such venire for jurors as aforesaid to ascertain and insert therein their post office addresses.

§ 2. AMENDMENT.] Section 527 of the Revised Codes is hereby amended to read as follows:

§ 527. VENIRE, HOW SERVED.] The officer receiving a venire shall forthwith serve the same by addressing to each person therein whose post office address is given in said venire, or can be promptly ascertained by such officer, a true and correct copy of such venire, containing the name only of the juror to be served, enclosed in an envelope addressed to the person to be summoned as above provided, with the postage prepaid, and shall be registered and deposited in the post office. The envelope containing such copy of venire shall have printed thereon, in the usual form, a request that the same be returned to the sender if it is not delivered within five days, and shall have written or printed thereon the words, "Return Receipt Demanded." The receipt of such registered copy of venire by the person to whom addressed shall be deemed personal service upon

him of such venire, and the return registry receipt, signed by such person, or by any other by him apparently authorized to sign the same in his behalf, shall be prima facie evidence of such service, and the officer shall make return accordingly. If the copy of venire herein provided for is returned to such officer through the post office, not delivered, or when a jury is called forthwith such officer shall make, or cause to be made, personal service of the venire in the manner provided by law for the service of summons in civil actions, and shall make return thereof with his proceedings indorsed thereon to the clerk as soon as he has made such service.

§ 3. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. EMERGENCY.] Whereas, no provision of law exists for summoning jurors by mail, therefore an emergency exists, and this act shall take effect and be in force from and after the date of its passage and approval.

Approved February 26, 1913.

#### CHAPTER 136.

[H. B. No. 369—Twichell.]

##### PROVIDING LENIENCY FOR FIRST OFFENDERS.

AN ACT to Provide for Suspension or Modification of Sentences of Persons Convicted of Misdemeanors.

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

§ 1. COURT MAY SUSPEND OR MODIFY SENTENCE, WHEN.] In all prosecutions for misdemeanors where the defendant has been found guilty, and where the court or magistrate has power to sentence such defendant to the county jail, and it appears that the defendant has never before been imprisoned for crime, either in this state or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment), and where it shall appear to the satisfaction of the court or magistrate that the character of the defendant and circumstances of the case are such that such defendant is not likely again to engage in an offensive course of conduct, and where it appears that the public welfare does not demand or require that the defendant shall suffer the penalty imposed by law, said court or magistrate may suspend the execution of the sentence or may modify or alter the sentence imposed in such manner as to the court or magistrate, in view of all the circumstances, seems just and right.

Approved March 6, 1913.

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**CHAPTER 137.**

[H. B. No. 393—Buck.]

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**SATISFACTION OF JUDGMENTS, PENDING APPEAL.**

AN ACT Providing for the Satisfaction of Judgments Pending an Appeal Therefrom to the Supreme Court.

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

§ 1. Any judgment debtor upon a money judgment duly docketed in the district court from which judgment an appeal has been perfected to the supreme court by the judgment creditor may cause the said judgment to be released as a lien against the real property of said judgment debtor by depositing with the clerk of the district court in which said judgment was originally entered a sum of money equal to one and one-third of the amount of said judgment with interest and costs, and upon such deposit it shall be the duty of said clerk to satisfy and discharge the said judgment as a lien against the real property of said judgment debtor. *Provided*, further, that in lieu of depositing the money as aforesaid the judgment debtor may file with the clerk of the district court a good and sufficient bond executed, delivered, and acknowledged, as provided by law for the execution of a bail bond conditioned for the payment of said judgment upon its final determination in the appellate court, or at any time upon the dismissal of said appeal, which said bond shall be approved by the judge of the district court.

EMERGENCY.] Whereas, an emergency exists in that in this state there is no law governing the provisions of this act, this act shall be in effect immediately upon its passage and approval.

Approved March 6, 1913.

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**CHAPTER 138.**

[H. B. 453—Twichell.]

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**COURT PRACTICE, COUNTY COURT.**

AN ACT to Amend Section 9 of Chapter 80 of the Session Laws of North Dakota for the Year 1909, Relating to Practice in County Courts Having Increased Jurisdiction.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 80 of the Session Laws of North Dakota for the year 1909 be and the

same is hereby amended to read as follows:

§ 9. TERMS OF COURT.] The regular term of the county court shall be held at the county seat, commencing on the first Tuesday of each calendar month, for the trial of such civil and criminal cases as may be brought before such court, and a jury shall be called at any regular term when there is one or more criminal cases in which the defendant is confined in jail and demands a trial ten days before the opening of such term of five or more civil cases in which a jury trial is so demanded for trial.

Approved March 14, 1913.

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## CHAPTER 139.

[H. B. No. 420—Judiciary Committee.]

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### SECOND JUDICIAL DISTRICT.

AN ACT to Amend Section 270 of the Revised Codes of 1905 of the State of North Dakota, as Amended by Chapter 172 of the Session Laws of 1911 of the State of North Dakota, Relating to the Boundaries of, and Terms of Court in, the Second Judicial District.

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

§ 1. That Section 470 of the Revised Codes of 1905 as amended by Chapter 172 of the Session Laws of 1911 be and the same is hereby amended to read as follows:

§ 470. BOUNDARIES AND TERMS OF COURT.] The second judicial district consists of the counties of Ramsey, Towner, Rolette, Benson and Eddy, and two terms of the district court shall be held each year at the county seat of each of said counties as follows:

In Ramsey county commencing on the first Monday in March and the second Monday in November;

In Towner county commencing on the third Monday in March and the fourth Monday in November;

In Benson county commencing on the first Monday in June and the second Monday in December;

In Rolette county commencing on the third Monday in June and the first Monday in January;

In Eddy county commencing on the third Monday in May and the second Monday in October.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1913.

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**CHAPTER 140.**

[S. B. No. 68—Kretschmar.]

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**TERMS OF COURT, FOURTH JUDICIAL DISTRICT.**

AN ACT Repealing Chapter 175 of the Session Laws of 1911, Relating to the Terms of Court in Various Counties Comprising the Fourth Judicial District of This State.

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

**§ 1. Chapter 174 of the Session Laws of 1911, entitled, "An act fixing the terms of court in the various counties comprising the Fourth Judicial District of this State, and the beginning and duration thereof," be and the same is hereby repealed.**

Approved February 5, 1913.

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**CHAPTER 141.**

[H. B. No. 426—Judiciary Committee.]

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**FIFTH JUDICIAL DISTRICT.**

AN ACT to Amend Section 473 of the Revised Codes of North Dakota for the Year 1905, as Amended by Chapter 74 of the Session Laws of 1909, Relating to the Boundaries of and Terms of Court in the Fifth Judicial District.

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

**§ 1. AMENDMENT.] Section 473 of the Revised Codes of the State of North Dakota for the year 1905 as amended by Chapter 74 of the Session Laws of 1909 of the State of North Dakota, is hereby amended to read as follows:**

**§ 473. BOUNDARIES AND TERMS OF COURT.] The Fifth Judicial District shall consist of the counties of Stutsman, Barnes, LaMoure, Wells, Griggs and Foster and two terms of the district court shall be held each year at the county seat of each of said counties as follows:**

**In Stutsman county commencing on the third Monday in June and the second Monday in December;**

**In Barnes county commencing on the first Monday in January and the first Monday in June;**

**In LaMoure county commencing on the first Monday in February and the fourth Monday in September;**

**In Wells county commencing on the third Monday in July and the third Monday in January.**

In Griggs county commencing on the second Monday in May and the second Monday in November.

In Foster county commencing on the first Monday in May and the second Monday in October.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 13, 1913.

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## CHAPTER 142.

[H. B. No. 421—Judiciary Committee.]

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### SIXTH JUDICIAL DISTRICT.

AN ACT to Amend Section 474 of the Revised Codes of North Dakota for 1905, as Amended by Chapter 171 of the Laws of 1911, Relating to the Boundaries of and Terms of Court in the Sixth Judicial District.

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

§ 1. AMENDMENT.] Section 474 of the Revised Codes of North Dakota for 1905 as amended by Chapter 171 of the Laws for 1911 is amended to read as follows:

§ 474. BOUNDARIES AND TERMS OF COURT.] The Sixth Judicial District consists of the Counties of Burleigh, Emmons, Kidder, McLean, Sheridan and Logan and is divided into judicial subdivisions as follows:

1. The first subdivision consists of the county of Burleigh and four terms of the district court shall be held each year at the county seat thereof, commencing on the third Tuesday in February, the second Tuesday in May, the first Tuesday in September and the second Tuesday in December, but a jury shall not be called for the February and September term of court unless in the opinion of the judge there is sufficient business of the court to require a jury.

2. The second subdivision consists of the county of Emmons and two terms of the district court shall be held each year at the county seat thereof commencing on the first Tuesday in February and the first Tuesday in October.

3. The third subdivision consists of the county of Kidder and two terms of the district court shall be held at the county seat thereof each year commencing on the second Tuesday in January and the third Tuesday in June.

4. The fourth subdivision consists of the county of McLean and two terms of the district court shall be held each year at the county seat thereof commencing on the second Wednesday in June and the second Wednesday in November.

5. The fifth subdivision consists of Sheridan county and two terms of the district court shall be held therein at the county seat each year commencing on the second Tuesday in March and the third Tuesday in October.

6. The sixth subdivision consists of the county of Logan and two terms of the district court shall be held each year at the county seat thereof commencing on the first Tuesday in April and the fourth Tuesday in November.

All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1913.

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### CHAPTER 143.

[H. B. No. 14—Hedalen.]

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#### BOUNDARIES AND TERMS OF COURT, SEVENTH JUDICIAL DISTRICT.

AN ACT Relating to the Boundaries, Terms of Court and Chambers of the District Judge of the Seventh Judicial District, Amending Section 475 of the Revised Codes of 1905, as Amended by Chapter 75, Laws of 1909.

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

§ 1. AMENDMENT.] Section 475 of the Revised Codes of 1905, as amended by Chapter 75 of the Laws of 1909, is hereby amended to read as follows:

§ 475. BOUNDARIES, CHAMBERS AND TERMS OF COURT.] The Seventh Judicial District consists of the counties of Pembina, Walsh and Cavalier, and terms of court shall be held in each of said counties in each year as follows:

In the county of Pembina, at Cavalier, commencing on the first Tuesday of January, the first Tuesday in June, the first Tuesday in April and the first Tuesday in October.

In the county of Cavalier, at Langdon, commencing on the first Tuesday of December, the second Tuesday in June, the first Tuesday in March, and the second Tuesday in September.

In the county of Walsh, at Grafton, commencing on the fourth Tuesday in January, the fourth Tuesday in June, the third Tuesday in November, and the third Tuesday in March.

*Provided*, that at the terms of court appointed to be held in such counties for the months of March, April, September, October and November, no jury shall be called unless called by the court for the trial of criminal cases.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby expressly repealed.

§3. EMERGENCY.] Whereas, an emergency exists in this, that the judicial business of Pembina county requires that terms of court should be held therein prior to July 1st, 1913, and no statutory provisions exist for holding court at the present county seat of Pembina county, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 19, 1913.

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## CHAPTER 141.

[S. B. No. 292—Hoverson.]

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### TERMS OF COURT.

AN ACT to Amend and Re-enact Chapter 168 of the Session Laws of 1911, Defining the Tenth Judicial District, and Providing for Holding Terms of Court Therein.

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

§ 1. Section 1 of Chapter 168 of the Session Laws of 1911 is hereby amended to read as follows:

§ 1. DEFINED. TERMS OF COURT.] The Tenth Judicial District consists of the counties of Stark, Billings, Dunn, Hettinger, Bowman, Adams and Golden Valley, and all unorganized territory lying within the boundaries of any of said counties, and said district is divided into judicial sub-divisions as follows:

1. The first sub-division consists of the county of Stark, and four terms of the district court shall be held therein each year at Dickinson, the county seat of said county, commencing on the third Tuesday in May, the first Tuesday in September, and the first Tuesday in December, and the first Tuesday in March; *provided*, that no jury shall be summoned for the September and March terms, excepting upon the order of the judge of said court.

2. The second sub-division consists of the county of Billings, and three terms of the district court shall be held therein each year at Medora, the county seat of said county, commencing on the first Tuesday in January, and the first Tuesday in June, and at such other time as the judge of the district court may designate but no jury shall be called for the third term, excepting by order of the judge.

3. The third subdivision consists of the County of Dunn, and two terms of the district court shall be held therein each

year at Manning, the county seat of said county, commencing at such time as the judge of said court shall direct.

4. The fourth sub-division consists of the county of Hettinger, and two terms of the district court shall be held therein each year at Mott, the county seat of said county, commencing on the second Tuesday in February and the first Tuesday in October.

5. The fifth sub-division consists of the County of Bowman, and two terms of the district court shall be held therein each year at Bowman, the county seat of said county, commencing on the third Tuesday in June and the second Tuesday in November.

6. The sixth sub-division consists of the county of Adams, and two terms of the district court shall be held therein each year at Hettinger, the county seat of said county, commencing on the first Tuesday in April and the third Tuesday in October.

7. The seventh sub-division consists of the county of Golden Valley, and two terms of court shall be held therein each year at Beach, the county seat of said county, commencing on the third Tuesday in January, and the second Tuesday in July.

§ 2. In the event of any new county or counties being created within the said Tenth Judicial District it shall be the duty of the judge of said court to hold two terms of the district court in each year in each new county that is created out of the territory within the said Tenth Judicial District at such times as the judge of said court shall direct.

§ 3. CHAMBERS OF THE JUDGE.] The court of the tenth judicial district shall, excepting such times as the court is actually engaged in the holding of a term of said court in any of the counties of said district, have its chambers for the purpose of holding and transacting such business as may come before it, at Dickinson, the county seat of Stark county, on the first Monday in each month.

§ 4. REPEAL.] All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

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

Approved March 12, 1913.

## CHAPTER 145.

[S. B. No. 253—Hanley.]

## TERMS OF COURT, TWELFTH DISTRICT.

AN ACT Fixing the Terms of Court in the Twelfth Judicial District.

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

§ 1. TERMS OF COURT.] Four terms of the district court for the first sub-division of the Twelfth Judicial District consisting of the County of Morton, shall be held each year at Mandan, the county seat of said county; which said terms shall commence on the fourth Monday in March and the third Monday in June, the third Monday in September and the first Monday in December; *provided*, that no jury shall be called for the March and September terms, except upon the order, of the judge for the trial of criminal cases, but when a jury is called at such terms, the court may in its discretion take up the trial of civil jury cases in addition to such criminal cases.

§ 2. Two terms of the district court of the second sub-division of the Twelfth Judicial District, consisting of the county of Oliver, shall be held each year at the county seat of said county; which said terms shall commence on the first Monday in June and the third Monday in October.

§ 3. Two terms of the district court of the third sub-division of the Twelfth Judicial District, consisting of the county of Mercer, shall be held each year at the county seat of said county, which said term shall commence on the second Monday in March and the third Monday in November.

§ 4. EMERGENCY.] Whereas, an emergency exists in that the proper dispatch of judicial business requires that the terms of court in said districts be immediately changed, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1913.

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**CHAPTER 146.**

[H. B. No. 20—Olgard.]

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**VALIDATING EXECUTION SALES.**

AN ACT Validating Certain Execution Sales Heretofore Made, and Limiting the Time Within Which the Same May be Attacked.

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

**§ 1. SALES VALIDATED.]** Wherever lands in this state have heretofore been sold under execution issued on a judgment against a judgment debtor, who had died prior to the levy of such execution, such sale is hereby declared good and valid to the same extent, as though the judgment debtor had been alive at the time of sale.

**§ 2. LIMITATION.]** No action or defense shall be maintained in any court questioning the validity of any such sale, or any title based thereon, unless such action is commenced or defense interposed within one year after the taking effect of this act.

**§ 3. EMERGENCY.]** Whereas, an emergency exists in that in the past large numbers of tracts of land have been sold upon execution, and no public record discloses whether the judgment debtor was alive at the time of the levy of execution and sale the title to such lands is left unsettled, this act shall take effect immediately after its passage and approval.

Approved February 18, 1913.

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**DRUGS AND DRUG SAMPLES**

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**CHAPTER 147.**

[H. B. No. 429—Leu.]

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**DISTRIBUTION OF DRUGS.**

AN ACT to Amend and Re-enact Section 9453 of the Revised Codes of 1905, Pertaining to the Promiscuous Distribution of Drug Samples.

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

**§ 1. AMENDMENT.]** Section 9452 of the Revised Codes of 1905 is hereby amended and re-enacted and made to read as follows:

**§ 9452. DISTRIBUTION OF DRUG SAMPLES PROHIBITED.]** Any