

be allowed the same fees for travel as are now allowed by law to Sheriffs on service of criminal process, together with such compensation as may be by the County Commissioners of his county deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said Commissioners and paid by his said county as other bills of said Sheriff or County Health Officer.

§ 15. NO ACTION IN COURT.] No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this Act.

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 All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

§ 17. EMERGENCY.] Whereas, an emergency exists, in that the present food law is imperfect and affords inadequate protection against the sale of misbranded food products and beverages, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 8, 1915.

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## RAPE

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### CHAPTER 201.

[S. B. No. 187—Overson.]

#### RAPE—DEFINING.

AN ACT to Amend and Re-enact Sections 9566 and 9567 of the Compiled Laws of North Dakota for 1913, and Defining the Crime of Rape and Fixing the Degrees Thereof and Punishment Therefor, and Repealing Sections 9568 and 9569.

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

§ 1. AMENDMENT.] Section 9566 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 9566. RAPE IN THE FIRST AND SECOND DEGREES DEFINED. PUNISHMENT.] Rape is rape in the first degree:

1. In all cases in which the person committing the offense is twenty-four years of age, or over, at the time of the commission of the offense, and,

2. In all cases in which the offense is committed under the conditions described in sub-divisions 2, 3, 4, 5, 6 and 7 of Section 9563, or either of them, and in which the person committing the offense is twenty years of age, or over, at the time of the commission of the offense.

Rape is rape in the second degree :

1. In all cases in which the offense is committed under the conditions described in sub-divisions 2, 3, 4, 5, 6 and 7, of Section 9563, or either of them, and in which the person committing the offense is seventeen years of age and under twenty years of age at the time of the commission of the offense ; and,

2. In all other cases in which the person committing the offense is twenty years of age and under twenty-four years of age and the female is under eighteen years of age at the time of the commission of the offense.

Rape in the first degree shall be punished by imprisonment in the State Penitentiary for not less than one year.

Rape in the second degree shall be punished by imprisonment in the State Penitentiary for not less than one year, or, in case the defendant is a minor, either by imprisonment in the State Penitentiary for not less than one year or by committment to the State Reform School for not less than one year in the discretion of the court.

§ 2. AMENDMENT.] Section 9567 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 9567. RAPE IN THE THIRD DEGREE DEFINED.] Rape committed by a person under seventeen years of age at the time of the commission of the act and under the conditions described in sub-divisions 2, 3, 4, 5, 6, and 7 of Section 9563, or either of them, or in other cases with the apparent consent of the female, and she is under the age of eighteen years, is rape in the third degree and a person found guilty thereof shall be punished by confinement in the Reform School not less than one nor more than three years, at the discretion of the court.

§ 3. Sections 9568, 9569 Compiled Laws of 1913 are hereby repealed.

Approved, March 9, 1915.