

LAWS

PASSED AT THE

SPECIAL SESSION

OF THE

Fifteenth Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON WEDNESDAY, THE TWENTY-THIRD DAY
OF JANUARY, A. D. 1918, AND CONCLUDING
JANUARY TWENTY-NINTH, 1918

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**By THOMAS HALL
Secretary of State
of the State of North Dakota**

AUTHENTICATION

STATE OF NORTH DAKOTA.

Secretary's Office, Bismarck.

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Special Session of the Fifteenth Legislative Assembly of the State of North Dakota, beginning January 23rd, 1918, and terminating January 29th, 1918, now on file in this office, with the exception of clerical errors.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this first day of February, 1918.

THOMAS HALL,
Secretary of State.

[SEAL].

TABLE OF CONTENTS

APPROPRIATIONS

	Page
CHAPTER 1—An Act Making an Appropriation for the Use of Depositor's Guaranty Fund Commission.....	1
CHAPTER 2—An Act to appropriate Money for the Payment of Mileage and Per Diem of the Members of the Legislative Officers and Employees and all other Expenses of the Legislature Incident to the Holding of the Special Session Beginning January Twenty-third, 1918	2

CONCURRENT RESOLUTION

CHAPTER 3—A Concurrent Resolution Relating to Publication of Session Laws for Special Session.....	3
--	---

CORPORATIONS

CHAPTER 4—An Act to Amend and Re-enact Section 4521 of the Compiled Laws of North Dakota of 1913 as Amended by Chapter 99 of the Session Laws of North Dakota for 1917.....	3
---	---

COUNCIL OF DEFENSE

CHAPTER 5—An Act Creating the North Dakota Council of Defense; Defining its Powers and Duties, and Appropriating Money for Carrying out the Purpose Thereof; and to Reimburse the Members of the Present Organization Known as the North Dakota State Council of Defense for Monies Expended.....	4
---	---

ELECTIONS

CHAPTER 6—An Act to Permit Electors in the Military Service of the United States Absent from Their Respective Counties to Vote at General Elections Other than Primary and to Amend Section 1003 of the Compiled Laws of North Dakota for 1913 Relating to Ballots When Furnished the Auditor.....	7
--	---

HOSPITALS FOR INSANE

CHAPTER 7—An Act Giving a Credit to the State Hospital for the Insane for the Sum of Fifty Thousand Dollars.....	9
CHAPTER 8—An Act to Amend and Re-enact Section 1762 of the Compiled Laws of the State of North Dakota for the Year 1913 as Amended by Chapter 144 of the Session Laws for the Year 1917, Relating to Maintaining Patients in the Hospital for the Insane.....	9

INSURANCE COMPANIES

CHAPTER 9—An Act to Amend and Re-enact Section 17 of Chapter 172, Laws of 1915.....	10
---	----

MORATORIUM

CHAPTER 10—An Act Regulating the Civil Rights of Members of the Military and Naval Establishments of the United States Engaged in the Present War.....	11
--	----

PROHIBITION		Page
CHAPTER 11—A Joint Resolution Ratifying a Proposed Amendment to the Constitution of the United States of America.....		13
SABOTAGE		
CHAPTER 12—An Act Defining the Crime of Sabotage and Prescribing the Penalty Therefore.....		14
SEED, GRAIN AND FEED		
CHAPTER 13—An Act to Amend and Re-enact Sections 3471-3472-3473-3476-3477-3478-3479-3480-3481-3482-3483-3484-3486-3487 and 3488 of the Compiled Laws of North Dakota for the year 1913, Authorizing Counties to Issue Bonds and Warrants to Procure Seed Grain and Feed for Needy Inhabitants Therein and Providing for the Issuance of Bonds and Warrants for Seed Grain by Counties and Aid by the State in respect thereto, and making an Appropriation Therefor.....		15
CHAPTER 14—An Act Creating a Uniform State Grade of Wheat, Oats, Barley, Flax and all other Grains, Seeds and Agricultural Products; Creating and Establishing the Office of State Inspector of Grades, Weights and Measures and Providing for the Appointment of Deputy State Grain Inspectors and Providing for State Aid for Marketing Facilities and the Establishment of State-owned Marketing Places and Providing for Inspection of Licensed Warehouses by Competent Accountants and Expert Grainmen, and Authorizing the Employment of such Accountants, and Making an Appropriation Therefor; and Providing Penalties for the Violation of any of the Provisions of this Act.....		24

THE LAWS

APPROPRIATIONS

CHAPTER 1.

[H. B. No. 2—Walton.]

APPROPRIATION—DEPOSITOR'S GUARANTY FUND COMMISSION.

An Act Making an Appropriation for the Use of Depositor's Guaranty Fund
Commission.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary for the Depositor's Guaranty Fund Commission, and for their use, for the following specified purposes, between the following dates, namely, January 23, 1918 to June 30, 1919, both dates inclusive, for the putting into operation and full force and effect, the law enacted by the Fifteenth Legislative Assembly of the State of North Dakota, commonly known as the Depositor's Guaranty Act. Said sum to be paid out on warrants and vouchers as approved and allowed according to law.

§ 2. EMERGENCY.] Whereas it is necessary for the immediate preservation of the public peace, health and safety that this act shall become effective without delay for the following reasons, to-wit, namely:

That there are no moneys now available for the purpose herein specified, and whereas it is deemed proper and necessary that the Act be put into operation, therefore, this Act shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved January 30, 1918.

CHAPTER 2.

[H. B. No. 12—Walton.]

APPROPRIATION—SPECIAL SESSION LEGISLATIVE ASSEMBLY.

An Act to Appropriate Money for the Payment of Mileage and Per Diem of the Members of the Legislative Officers and Employees and all other Expenses of the Legislature Incident to the Holding of the Special Session Beginning January Twenty-third, 1918.

PARTIAL VETO.

January 30, 1918.

To the Honorable Secretary of State:

I file herewith House Bill No. 12, an Act to Appropriate Money for the Payment of Mileage and Per Diem of the Members of the Legislative Officers and Employees and all other Expenses of the Legislature Incident to the Holding of the Special Session Beginning January twenty-third, 1918, with my approval except as to the item of five hundred dollars for miscellaneous expenses and supplies; for the reason that there is a balance in the fund of miscellaneous expenses, the sum of \$656.88 which is sufficient to meet all miscellaneous expenses of the Special Session of the Legislature.

Very respectfully,

LYNN J. FRAZIER,
Governor.

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

§ 1. APPROPRIATIONS FOR THE LEGISLATIVE DEPARTMENT OF THE STATE GOVERNMENT.] The sum of Fourteen Thousand Five Hundred Dollars, in sums hereafter more specifically named; only, or so much thereof as may be necessary, is, and are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter specified.

There is appropriated for the payment of salaries, and mileage of members and employees; per diem of officers and employees, printing and miscellaneous expenses and supplies for the extraordinary session, beginning January 23, 1918, of the Fifteenth Legislative Assembly the following sums:

Mileage and Per Diem.....	\$13,300.00
Per Diem of Officers and Employees.....	700.00
Printing.....	None
Miscellaneous Expenses and Supplies.....	500.00
Total.....	<u>\$14,500.00</u>

§ 2. EMERGENCY.] WHEREAS, it is necessary for the immediate preservation of peace, health and safety that this act shall become effective without delay for the following reasons, to-wit: That there are now insufficient moneys available for the purpose herein specified and the demand is immediate that such appro-

priation be made; therefore, this Act shall become and be in force and effect immediately upon its passage and approval by the Governor.

CONCURRENT RESOLUTION

CHAPTER 3.

[S. B. No. 13—Introduced by Mr. Gibbons.]

A CONCURRENT RESOLUTION.

WHEREAS, under the provisions of Section 69, Compiled Laws of North Dakota, 1913, the Secretary of State is required to publish a popular edition of the session laws, and

WHEREAS, the laws enacted at this Special Session of the Fifteenth Legislative Assembly will require a comparatively small book, and making it possible to publish the authenticated edition of such laws within a comparatively short space of time, thereby eliminating the necessity of a popular edition, and

WHEREAS, the publication of such popular edition would appear to be an unnecessary expense,

Therefore, be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the popular edition of the laws passed at this special session of the Fifteenth Legislative Assembly in extraordinary session assembled, be not printed, and,

BE IT FURTHER RESOLVED, that the authenticated edition of laws of this special session of the Fifteenth Legislative Assembly be printed in style similar to that of authenticated edition session laws for the regular session of this Fifteenth Legislative Assembly, except that same to be wire stitched and paper covered, quality and weight of cover paper to be similar to that now used for departmental reports.

Approved January 30, 1918.

CORPORATIONS

CHAPTER 4.

[H. B. No. 5—Olson of Bowman.]

REINSTATEMENT OF CORPORATIONS.

An Act to Amend and Re-enact Section 4521 of the Compiled Laws of North Dakota of 1913 as Amended by Chapter 99 of the Session Laws of North Dakota for 1917.

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

§ 1. AMENDMENT.] That Section 4521, Compiled Laws of

North Dakota as amended by Chapter 99 of the Session Laws of North Dakota for 1917, is hereby amended and re-enacted to read as follows:

§ 4521. CORPORATIONS MAY BE REINSTATED. HOW.] Any domestic corporation which is engaged in active business under its charter or any foreign corporation authorized to transact business in the State of North Dakota engaged in active business under its certificate of authority to transact business, failing to make said report as required by Section 4518 of this chapter, may be reinstated upon the records of the office of the Secretary of State upon the filing of complete annual corporation reports as provided for by Section 4518 and the payment of a fee of \$2.50 and in addition thereto the payment of a fee of \$5.00 for such reinstatement; and filing in the office of the Secretary of State an affidavit stating the further fact that such corporation was at the time of such default and still is engaged in active business in the State of North Dakota. Said corporations shall be reinstated at any time upon filing said full and complete annual report within a period of six months from the time of cancellation as provided by Section 4518, and the payment of said fees; and at any time after the said six months upon filing of all and complete annual reports for all years in default with a fee of \$2.50 for each of said reports and the payment of \$15.00 for each and every year the said corporation has failed and neglected to file full and complete report.

§ 2. EMERGENCY.] Whereas, an emergency exists, in that the charters of many corporations have been cancelled by the Secretary of State by reason of the failure to make annual reports as required by law; and there being no method for validating and reinstating such corporations; and whereas, it is necessary for the public peace, health and safety, therefore, this Act shall take effect and be in full force from and after its passage and approval.

Approved January 30, 1918.

COUNCIL OF DEFENSE

CHAPTER 5.

[H. B. No. 11—Walton.]

COUNCIL OF DEFENSE.

An Act Creating the North Dakota Council of Defense; Defining its Powers and Duties, and Appropriating Money for Carrying out the Purpose Thereof; and to Reimburse the Members of the Present Organization Known as the North Dakota State Council of Defense for Monies Expended.

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

§ 1. CREATION OF COUNCIL OF DEFENSE.] There is hereby created a council to be known as the North Dakota Council of Defense, to consist of the governor and thirteen other members,

one of which members shall be the attorney general, and one to be appointed by the governor from each judicial district of the state, such appointees to be an elector of the judicial district from which appointed, and to hold office during the pleasure of the governor. Immediately after their appointment the members of the council shall meet at the office of the governor and organize by electing a secretary. The governor shall be the chairman of said Council of Defense.

§ 2. COMPENSATION.] Members of the council shall receive no compensation other than traveling and necessary expense incurred in the performance of their duty, except the secretary, who shall receive a salary of five dollars per diem for such time as he devotes to the work of the council, in the discretion of the council as hereinafter provided.

§ 3. POWERS AND DUTIES.] They shall co-operate with the commissioner of agriculture and labor and consult with farmers and others who might be in need of labor and labor organizations and such other persons as might be in position to furnish labor and devise means for the furnishing thereof, and with the North Dakota Federal Fuel and Food Administrators in stimulating an increased production of food and economy and preservation thereof.

They shall make a careful survey and investigation concerning the practicability of the use of lignite coal and other fuel resources of the state and shall encourage its use, production and distribution, and shall suggest to the governor means of developing and extending the same. They shall co-operate and advise with the Federal Government as to the fuel conditions of the state, and see that an adequate supply of fuel will be furnished to this state during the summer months, when transportation is not over-taxed, so as to avoid a fuel shortage in the state during the coming year.

They shall make a record of all property belonging to persons in military service or in any establishment or branch thereof, who are out of the state because of such service; and shall make such rules and regulations as will protect and preserve the same whenever necessity exists therefor.

They shall further have power and it shall be their duty to make and promulgate from time to time rules and regulations for the promotion and preservation of the public peace, safety and welfare, and they may prescribe rules and regulations under which the citizens of this state, not a part of active militia, may organize. They may also from time to time, as the exigencies of the occasion shall require, make and promulgate rules and regulations to assist the government of the United States in carrying out and enforcing its laws and regulations relative to the conduct of the war.

Each member of the council shall possess the same powers as the sheriffs of the several counties and may exercise such powers in any part of the state, separately or in conjunction with other police officers.

They shall assist and co-operate with all state and county

officials in promoting patriotism and loyalty to this government and humanity, and shall assist and co-operate [with the officials in preserving the public peace, health and safety, as well as the broad democratic principals upon which this Nation and State were founded.

And they shall have power to and shall perform all such other duties as the governor shall from time to time authorize and direct under the war powers and the laws and the constitution of this state.

§ 4. REPORTS.] It shall be the duty of the council to report at the end of each calendar month to the auditing board of the state of North Dakota, a voucher statement of its expenditures in regular form, properly verified by the chairman or secretary. The state auditor shall issue state warrants for all bills so reported and approved by the state auditing board, which warrants shall be presented to the state treasurer. If for any reason there shall be no funds to pay the same, he shall endorse upon the back of said warrant, "Not paid for want of funds" and if such endorsement is made, the said warrants shall thereafter bear interest at the rate of six per cent per annum until paid, provided, however, that no warrants shall be issued which with the interest thereon exceed the annual appropriation.

§ 5. MEETINGS OF COUNCIL AND ELECTION OF OFFICERS.] At the first meeting of the council it shall elect one of its members vice-chairman, who shall preside at its meetings whenever the governor is unable to attend, and shall from time to time provide for such clerical and such other assistance as shall be necessary to the proper performance of its duties, the expense thereof to be audited and paid as other charges against the state are audited and paid. The council shall hold such meetings as shall be necessary for the proper performance of its duties, which meetings shall be held at Bismarck, unless to meet the exigencies of some special occasion a meeting shall be specially called for some other place in the state. Meetings of the council may be called by the governor or by three members upon such notice as shall be practicable under the exigencies of the particular occasion, and the council may at any meeting provide for stated future meetings.

§ 6. REPORTS. TERMINATION. COMPENSATION.] The council shall make monthly reports to the governor of all its acts and expenditures.

Said council of defense is created for the duration of the war in which the United States is now engaged, and for the period of six months thereafter; provided, however, the governor may if in his judgment the public interest demands, extend the duration thereof by proclamation from time to time made.

If in the opinion of the council the work of the secretary requires an unreasonable expenditure of time as compared with the time spent by the other members of the council, it may allow him a

compensation not exceeding seven dollars and fifty cents a day for such time as it finds he should be compensated for.

§ 7. APPROPRIATIONS.] There is hereby appropriated from any money not otherwise appropriated the sum of fifteen thousand dollars per annum, for the purpose of carrying out the provisions of this act and for the purpose of defraying the expenses of existing de facto council of defense called into existence by the appointment of the governor.

§ 8. PROVISIONS SEPARABLE.] The provisions of the within act are hereby declared to be separable and not interdependent, and if one of the provisions shall be declared unconstitutional such declaration shall not affect the constitutionality of any other provision of said act.

§ 9. EMERGENCY.] Whereas it is necessary for the immediate preservation of the public peace, health and safety that this act shall become effective without delay for the following reasons, to-wit: That the United States is now at war, our citizens are now in a foreign land fighting for our own rights and the freedom of mankind; it is necessary to conserve and increase the resources of our state and to provide for the necessary co-operation between state and national governments in the emergency of the war, therefore, this act shall become and be in full force and effect upon its passage and approval by the governor.

Approved January 30, 1918.

ELECTIONS

CHAPTER 6.

[H. B. No. 17—Patterson.]

ELECTORS IN MILITARY SERVICE.

An Act to Permit Electors in the Military Service of the United States Absent from Their Respective Counties to Vote at General Elections Other than Primary and to Amend Section 1003 of the Compiled Laws of North Dakota for 1913 Relating to Ballots When Furnished the Auditor.

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

§ 1. ABSENT VOTER WHO MAY VOTE.] Any qualified elector of this state who is absent from the county in which he is an elector at any general election other than primary and engaged in the military or naval service of the United States may vote at such election as hereinafter provided.

§ 2. DUTY OF COUNTY AUDITORS.] The county auditors of each county in this state must prepare, keep and maintain a general register of names of all persons of their respective counties who are engaged in the military or naval service of the United States and shall further keep and maintain a register of such persons so engaged who are qualified to vote in their respective counties at general elections other than primary.

§ 3. ABSENT VOTER BALLOT HOW SENT.] It shall be the duty of each county auditor, at least forty-five days before any general election other than primary, of his own accord and without application from any elector, to send such absent voter ballot to such elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913; provided, however, that the enclosed envelope shall be duly stamped with return postage and the affidavit endorsed thereon may be made by such elector before his immediate commissioned commanding officer; and provided, further, that such affidavit need not have any venue if contrary to the military orders at the place where made.

§ 4. BALLOT AND CANVASSING.] Such absent voter shall make and subscribe such affidavit before his immediate commissioned commanding officer and shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots in the manner provided in Section 998 of the Compiled Laws of North Dakota for 1913; and the county auditor, upon receipt of such envelope, shall proceed in the same manner as provided in Section 999 of the Compiled Laws of 1913 relating to absent voter ballots; provided, however, that if any such envelope is received by such county auditor too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such auditor at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such auditor in time to canvass and transmit the results to the state canvassing board. In all other respects such absent voter ballots of electors engaged in the military service of the United States shall be treated in the same manner as now provided for the absent voter ballots.

§ 5. AMENDMENT.] That Section 1003 of the Compiled Laws of North Dakota for 1913 be and the same is hereby amended and re-enacted so as to read as follows:

§ 1003. BALLOTS FURNISHED AUDITOR. WHEN.] It shall be the duty of the secretary of state, county auditor, or any other officer by law required to prepare any general or primary election ballots, to prepare and have printed and deliver to the county auditor at least forty-five days prior to the holding of any general election and fifteen days prior to the holding of any primary election, a sufficient number of absent voter ballots provided for in Section 994 of the Compiled Laws of North Dakota for 1913 and in this act, for the use of all voters likely to be absent from such county on the day of such election.

§ 6. EMERGENCY.] Whereas, an emergency exists in that there is no provision whereby persons in the active military service of the United States, absent from their respective counties, and especially those in foreign countries, may vote, and whereas it is manifestly against public policy and endangers the peace, health and safety of the people of this state to deprive men engaged in the

military service of the United States and devoting their lives to the defense of their country, of the right to vote, therefore, this act shall be in force from and after its passage and approval.

Approved January 30, 1918.

HOSPITAL FOR INSANE

CHAPTER 7.

[H. B. No. 14—Peterson of Towner.]

GIVING A CREDIT TO HOSPITAL FOR INSANE.

An Act Giving a Credit to the State Hospital for the Insane for the Sum of Fifty Thousand Dollars.

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

§ 1. CREDIT TO STATE HOSPITAL FOR THE INSANE.] The state treasurer shall give a credit to the state hospital for the insane for the sum of fifty thousand dollars (\$50,000.00) for a term of eight months from the date this act goes into effect, or so much thereof as may be deemed necessary by the board of control. Said sum to be paid out on warrants and vouchers as approved and allowed according to law.

§ 2. LIABILITY OF OFFICERS.] It is hereby especially provided that Chapter 152 of the Session Laws of the State of North Dakota for the year 1915 and all other laws relating to the liability of officers shall not apply to this act.

§ 3. EMERGENCY.] Whereas an emergency exists in that there are not sufficient funds for the clothing and feeding of the patients in the state hospital for the insane, and whereas the public peace, health and safety requires immediate relief, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved January 30, 1918.

CHAPTER 8.

[S. B. No. 2—Pendray.]

MAINTAINING PATIENTS IN HOSPITAL FOR INSANE.

An Act to Amend and Re-enact Section 1762 of the Compiled Laws of the State of North Dakota for the Year 1913 as Amended by Chapter 144 of the Session Laws for the Year 1917, Relating to Maintaining Patients in the Hospital for the Insane.

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

§ 1. AMENDMENT.] That Section 1762 of the Compiled Laws of North Dakota for the year 1913 as amended by the 1917 Session Laws is hereby amended and re-enacted so as to read as follows:

§ 1762. COST OF TREATMENT. HOW DETERMINED.] The board of control of the state hospital for the insane shall from time

to time fix the amount to be paid for the board, care and treatment of the patients, which shall not exceed the sum of twenty-four dollars per month for residents of the state; provided, however, that all non-residents shall pay the actual cost of care and treatment, and the amounts so fixed shall be the sum the state hospital for the insane shall be entitled to demand for keeping any patient and the certificate to that effect, subscribed and sworn to by the superintendent shall be evidence of the amount due as fixed.

§ 2. EMERGENCY.] Whereas an emergency exists in that there are not sufficient funds with which to properly feed and clothe the patients in the state hospital for the insane and whereas it is necessary for the immediate preservation of the health, safety and peace of the public; therefore, this act shall become and be in effect and in force immediately upon its passage and approval.

Approved January 30, 1918.

INSURANCE COMPANIES

CHAPTER 9.

[H. B. No. 13—Church.]

COUNTY MUTUAL INSURANCE COMPANIES.

An Act to Amend and Re-enact Section 17 of Chapter 172, Laws of 1915.

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

§ 1. AMENDMENT.] Section 17 of Chapter 172, Session Laws of 1915, is hereby amended and re-enacted to read as follows:

§ 17. All county mutual insurance companies now organized or hereafter organized shall be perpetual, provided that any county mutual insurance company now organized, may amend its articles of incorporation as provided for by law, so as to extend the term of its incorporation perpetually.

§ 2. EMERGENCY.] Whereas an emergency exists, in that there are several county mutual insurance companies whose articles of incorporation will expire before July 1st, 1918; and whereas it is necessary for the immediate preservation of public peace, health and safety, that immediate relief be given, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved January 30, 1918.

MORATORIUM

CHAPTER 10. [H. B. No. 9—Kurtz.]

CIVIL RIGHTS OF MEMBERS OF MILITARY AND NAVAL ESTABLISHMENTS.

An Act Regulating the Civil Rights of Members of the Military and Naval Establishments of the United States Engaged in the Present War.

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

§ 1. No proceeding, by action or otherwise, shall be had or taken in this state for the foreclosure of a mortgage, or other lien, or real or personal property, or for the cancellation of an executory contract for the sale of land; or for the recovery of any indebtedness against any person in the active military service of the United States as hereinafter defined, during the time the United States is engaged in the present war and for an additional period of one year, and during such time no further proceeding shall be taken in any action or proceeding that is pending at the time of the taking effect of this Act in which such a person is a party over the objection of such party, his attorney or any person interested on his behalf, nor shall any judgment against such person in the military service be enforced against him or his property during said period.

§ 2. The term "person in the active military service of the United States" within the meaning of this Act, means any person who is actually called to service and is under the direction and command of the military authorities of the United States in any line of military duty that prevents him from attending to his own ordinary business affairs, but it does not include a person only temporarily or incidentally engaged in some special or temporary service.

§ 3. Any proceeding taken against any such person in the active military service of the United States, shall be treated as absolutely void, at the election of such person, and upon proper application to vacate the same within the period mentioned in Section 1 hereof, it shall be vacated and declared void as a matter of course; provided, however, if such proceedings were taken in good faith without knowledge of the fact that the person proceeded against was so in the service of the United States, then the person so proceeding shall not be liable to any damages on account of taking such proceedings and shall be subject to no penalties on account thereof, except that he shall be liable to account to the person so proceeded against in such way as to equitably restore such person to the position he would be in if such proceedings had not been taken.

§ 4. Notwithstanding anything in this Act to the contrary, provided, in case it shall be made to appear to a district court

of this state that the property of a person so engaged in the active military service of the United States, subject to liens or to seizure under execution is of such character or so situate that it is liable to become wasted and depreciated in value, or for any reason should be disposed of, the court shall make his order that the person in possession of such property, or such relatives of the owner as it shall deem proper, be cited to appear before it and upon such appearance the court shall diligently and informally and with a view to avoiding expense, inquire into the situation, and if upon such inquiry the court is satisfied that such property will depreciate in value, or that the interests of the parties require that it should be disposed of, it shall make an order that upon giving bond with sufficient surety, to be approved by the clerk of said court, to indemnify the owner for the value of the property in case it shall ever be adjudged that such foreclosure or seizure was not for a valid existing debt, which bond shall be filed in the office of the clerk of said court, then such mortgage or other lien may be foreclosed, or such property may be taken on execution, as the case may be, but the judgment in any such foreclosure proceeding shall not be taken to have established the validity or amount of the debt for foreclosure of which such action was had, but such question shall be open to determination in any action on such bond, provided, however, to recover on such bond the owner must bring his action within the period mentioned in Section 1 of this Act.

§ 5. In any character of proceeding that may come before the county court or any other court of the state for the administration of estates, or for any other purpose in which there are parties who do not make appearance it shall be the duty of such court of its own motion to diligently inquire and ascertain whether any of such parties are in the active military service of the United States, and that they have any probable substantial rights involved in such proceeding, then the court shall stay the closing of the proceeding or shall segregate the right of such party leaving such right undetermined, or make such other appropriate disposition of the proceeding as will, under the circumstances thereof, serve to protect the rights of such parties, and the court may in any appropriate case, require any other party to such proceeding to give bond with sufficient surety for the protection of the rights of such person.

§ 6. All taxes, whether on real or personal property, now due or hereafter to become due on property owned by any person in the active military service of the United States, shall be held in abeyance and no proceedings taken for the collection thereof until the expiration of the period mentioned in Section 1 of this Act.

To obtain the benefits of this Section it shall be necessary for some person on behalf of such person in the military service, to file with the Treasurer of the appropriate county, an affidavit to the effect that the person against whom such taxes are charged is in such active military service, which affidavit shall be filed at

or before the time when taxes become delinquent, and upon the filing thereof the Treasurer shall make a notation upon his records to the effect that the collection of such taxes is suspended on account of the military service of the taxpayer. But nothing herein shall be taken as preventing the right of the Treasurer to receive payment of such taxes whenever offered.

§ 7. In any action or proceeding sought to be taken after the close of the period provided for in Section 1 of this Act, the period of such military service shall be excluded in computing the statutory limitation.

§ 8. Nothing in this Act provided shall be construed as limiting the right of any person in the active military service of the United States to maintain on his own behalf any action in any court, or to make appearance and give consent to the maintenance of any action or proceeding against him, or to waive by express agreement any right or privilege granted hereby.

§ 9. EMERGENCY.] Whereas, large numbers of the citizens of the state are now absent from the state in the military service of the United States, it is necessary for the immediate preservation of the public peace, health and safety that the provisions of this Act become operative at once after its passage and approval.

It is hereby provided that the same shall take effect and be in force from the time of its approval by the Governor.

Approved January 29, 1918.

PROHIBITION

CHAPTER 11.

[H. B. No. 8—Introduced by Mr. Harris.]

A JOINT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA:

WHEREAS, Both houses of the sixty-fifth Congress of the United States of America, at the second session by a constitutional majority of two-thirds thereof, made and passed the following proposition to amend the Constitution of the United States of America, in the following words, to-wit:

“JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several states as provided by the Constitution:

ARTICLE

"§ 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"§ 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

"§ 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the States by Congress."

THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, DULY CONVENED, That the said foregoing proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of North Dakota.

And be it further resolved that certified copies of this preamble and joint resolution be forwarded by the Governor of this state to the Secretary of State of the United States of America at Washington, to the presiding officer of the Senate of the United States and to the Speaker of the House of Representatives of the United States.

Approved January 28, 1918.

SABOTAGE

CHAPTER 12.

[S. B. No. 21—Committee on State Affairs.]

SABOTAGE.

An Act Defining the Crime of Sabotage and Prescribing the Penalty Therefore.

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

§ 1. Any person who during the period the United States is engaged in the present war shall either wilfully or maliciously cause to be set on fire, either directly or through or by the assistance and act of another person, or through or by means of any chemical or mechanical apparatus or any sun glass, or the control of any electrical current, any building, car or boat, in which any food product for the use of man or beast is kept, stored or being transported, or in which any work or food producing animals shall be housed; or who shall wilfully and maliciously in any of the ways herein before mentioned cause any grain or food products for the use of man or beast to be set fire to in shock, stack or other form; or who shall wilfully and maliciously poison or otherwise

kill any work or food producing animal, the property of another with intent to injure the owner or hinder him in any agricultural operations, or to lessen the country's food supply, shall be guilty of sabotage in the first degree, and upon conviction thereof, shall be imprisoned in the penitentiary from one year to life.

§ 2. Any person who shall during the period the United States is engaged in the present war attempt to commit any act, which attempt if successful would constitute sabotage in the first degree; or who with the purpose of hindering or delaying the harvesting or threshing of any crop, shall inflict injury upon any farm machinery either directly or by placing foreign substance in any grain to be harvested or threshed thereby; or who with intent to hinder or hamper the government of the United States in the prosecution of or preparation for such war shall in any other manner destroy any other property shall be guilty of sabotage in the second degree, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one year and not more than twenty years.

§ 3. Any crime as defined herein committed within the period prescribed by this act shall be punished under the terms hereof through conviction or final judgment thereon or both may take place or be imposed after the termination of such period.

§ 4. EMERGENCY.] Whereas the country is engaged in war and great danger exists that efforts will be made to destroy its food supply, it is necessary for the protection of public health, peace and safety that this Act should take effect from and after its passage and approval, the same shall become effective immediately after its approval by the Governor.

Approved January 30, 1918.

SEED, GRAIN AND FEED

CHAPTER 13.

[H. B. No. 1—Maddock of Mountrail.]

BONDS AND WARRANTS FOR SEED GRAIN.

An Act to Amend and Re-enact Sections 3471-3472-3473-3476-3477-3478-3479-3480-3481-3482-3483-3484-3486-3487 and 3488 of the Compiled Laws of North Dakota for the year 1913, Authorizing Counties to issue Bonds and Warrants to Procure Seed Grain and Feed for Needy Inhabitants Therein and Providing for the Issuance of Bonds and Warrants for Seed Grain by Counties and Aid by the State in respect thereto, and making an Appropriation Therefor.

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

§1. AMENDMENT.] That Section 3471 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted so as to read as follows:

§ 3471. BONDS AUTHORIZED. PETITION FOR. TIME TO RUN.]

In any county of the state where the crops for any preceding year have been a total or partial failure by reason of drouth, hail or other cause, it shall be lawful for, and it shall be the duty of the board of county commissioners of such county to issue the bonds of the county under and pursuant to the provisions of this article, and with the proceeds derived from the sale thereof, to purchase seed grain and feed for the inhabitants thereof who are in need of seed grain and feed, and are unable to procure the same, whenever said board shall be petitioned in writing so to do by not less than fifty freeholders resident in the county; and said board at a meeting called as hereinafter provided to consider said petition, shall by a majority vote determine that the prayer of the petitioners should be granted; provided, that all such petitions shall be filed with the county auditor on or before the twenty-fifth day of February; and thereupon it shall be the duty of said officer to forthwith call a meeting of the board of county commissioners of his county to consider said petition; and provided, further that the total amounts of bonds issued by any county under the provisions of this article shall not, with the then existing indebtedness of the county, exceed the limit of indebtedness fixed by the constitution in such case; that said bonds shall be in denominations of from one hundred to five hundred dollars; shall bear a rate of interest not exceeding six per cent per annum, payable semi-annually at such place and time as shall be determined by the board, and that all bonds issued under the provisions of this article shall become due and payable in not less than one nor more than five years from the date thereof, the date of maturity to be fixed by the county board at the time of the issuance thereof with the above limitation.

§ 2. AMENDMENT.] That Section 3472 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted so as to read as follows:

§ 3472. BONDS, HOW EXECUTED.] Such bonds shall be signed by the chairman of the board of county commissioners and be attested by the county auditor, who shall affix the seal of the county thereto and shall have indorsed thereon a certificate signed by the county auditor, stating that said bonds are issued pursuant to law and are within the debt limit.

§ 3. AMENDMENT.] That Section 3473 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3473. BONDS, HOW SOLD OR DISPOSED OF.] Immediately after it has been determined to issue bonds or warrants for any county the county auditor shall notify the Commissioner of Agriculture and Labor, giving full particulars. Thereupon, the Commissioner of Agriculture and Labor shall act for and on behalf of the board of county commissioners in the sale or disposition of any bonds to be sold. He shall receive sealed proposals for the purchase of such bonds or any part thereof, after giving at least ten days notice in one leading daily newspaper within this state,

in two leading daily newspapers without this state, at financial centers, and one newspaper within the county for which bonds are to be issued, together with such other publicity as in his discretion is deemed advisable. He shall sell the bonds of each county separately to the highest bidder for cash but he shall not sell them for less than par, and he may reject any or all bids or postpone the sale from time to time, not exceeding ten days, or in his discretion he may call for new bids, provided, however, that said commissioner may sell or dispose of said bonds or any part thereof to the state of North Dakota or any board thereof, without receiving proposals therefor, or giving notice, as hereinbefore provided, but he shall not sell them for less than par.

§ 4. AMENDMENT.] That section 3476 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3476. TAX LEVIED FOR SINKING FUND. BONDS REGISTERED.] For the purpose of securing prompt payment of the principal and interest of said bonds, there shall be levied by the board of county commissioners at the time and in the manner other taxes are levied, such sums as shall be sufficient to pay such interest, and in addition thereto a sinking fund tax shall be annually levied sufficient to pay and retire said bonds at their maturity, and it shall be the duty of the county treasurer to pay promptly the interest upon the said bonds as the same shall fall due. No tax or fund provided for the payment of such bonds, either principal or interest, shall at any time be used for any other purpose; provided, however, that the board of county commissioners may deposit any part or portion of the sinking fund herein provided for, in any bank furnishing satisfactory security to the state of North Dakota, which shall furnish to the county a bond of indemnity to be approved by the board, and receive interest on the same which shall be credited to the sinking fund. It shall be the duty of the treasurer when said bond or any coupons attached thereto are paid, to cancel the same by writing upon the face thereof the word "paid" and the date of payment. Before the bonds are delivered to the purchaser, the treasurer of the county shall register them in a book to be provided for that purpose, known as the bond register, in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom and where payable; provided that said treasurer shall receive a per centum at the discretion of the county commissioners, not to exceed one per cent for the receiving and disbursing of the amount received from the sale of said bonds, said per centum to be covered into the treasury as a part of the salary fund. The board of county commissioners may issue warrants instead of bonds, as now provided by law for the issuance of warrants before this act became effective, if in their judgment the best interests of the county are thereby served; provided, that such warrants shall not be issued in any amount to exceed five per cent of the assessed valuation of such

county, provided; further, that such warrants shall not be sold below par; and provided, further, that such warrants shall not be term warrants.

§ 5. AMENDMENT.] That Section 3477 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3477. PROCEEDS USED EXCLUSIVELY TO PURCHASE SEED GRAIN AND FEED.] The fund arising from the sale of said bonds shall be applied exclusively by the said board for the purchase of seed grain and feed, for residents of the state who farm land within the county who are unable to procure the same; provided that the county commissioners shall determine the amount of seed and feed or either, which each applicant shall receive, and provided further, that the county auditor shall issue to each applicant an order for the number of bushels of each kind of seed grain, together with the amount of feed, that has been allowed by the board, to be furnished to any one applicant.

§ 6. AMENDMENT.] That Section 3478 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3478. COMMISSIONERS MAY ISSUE WARRANTS FOR PURCHASE.] In providing for the purchase of seed grain and feed or either, the commissioners may in lieu of issuing bonds, order warrants drawn upon the general fund of the county to pay for the seed grain purchased under the general provisions of this article; provided, that such warrants shall not be sold below par, and provided, further, that such warrants shall not be term warrants.

§ 7. AMENDMENT.] That Section 3479 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3479. APPLICATION FOR AID, HOW MADE.] All persons entitled to, and wishing to avail themselves of the benefit of this article, shall file with the county auditor, on or before the twentieth day of March an application duly sworn to before said county auditor, or some other officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the applicant has plowed or prepared for seeding; how many acres the applicant intends to have plowed or prepared for seeding; how many bushels and what kind of grain he will require to seed the ground so prepared as aforesaid; how many bushels of grain the applicant harvested in the preceding year, and the amount, and kind of grain and feed that he has in his possession; that the applicant has not procured and is not able to procure the necessary seed grain for the current year; that he desires the same for seed and feed and no other purpose, and that he will not sell or dispose of the same or any part thereof, but will use the same and the whole thereof in seeding the land prepared or to be prepared for crop; that the applicant will seed the wheat and rye before May twentieth, and all other grain before June tenth, except grain sown

for fodder purposes may be sown up to June twentieth. Said application shall also contain a true and full description of all the real and personal property owned by the applicant, and the encumbrances thereon; and a true description by government subdivisions of the land upon which the applicant intends to sow said seed grain. All applications filed under the provisions of this article shall be consecutively numbered and shall be open to public inspection, and no application shall be considered by the board of county commissioners except such as have been made and filed in the manner prescribed in this section; provided, that the board of county commissioners may in their discretion consider any application although made after the time so specified. If the applicant is a renter the owner of the land shall sign the application with him, unless an exception is made by the county commissioners in such instance.

§ 8. AMENDMENT.] That Section 3480 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3480. ADJUSTMENT OF APPLICATION, COUNTY COMMISSIONERS MAKE.] The board of county commissioners of each county issuing bonds or warrants under the provisions of this article are hereby appointed and constitute a board of examination and adjustment of the applications for seed grain and feed filed under the preceding section, and it shall be the duty of said board to meet at the county auditor's office within ten days after the filing of said petition, or as soon thereafter as possible, to examine and consider separately each application filed under the provisions of this article, and to determine who are entitled to the benefits thereof, and the amount to which each applicant is entitled, and said board shall on or before the twenty-fifth day of March, deliver and file with the county auditor, its adjustment of the said applications, which shall be signed by the chairman of the board.

§ 9. AMENDMENT.] That Section 3481 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3481. CONTRACT FOR REPAYMENT. DELINQUENT PAYMENTS EXTENDED ON TAX LIST. PLACED IN JUDGMENT.] The county auditor of each county shall as soon as the county commissioners, shall have performed the duty prescribed in the preceding sections issue to each applicant demanding it an order for the number of bushels of each kind of seed grain and amount of feed which has been allowed to said applicant, unless otherwise directed by the Board or the Chairman thereof; provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, which contract shall have the same force and effect as a promissory note, attested by the county auditor to the effect that said applicant for and in consideration of the.....bushels of seed grain and.....of feed received from

.....County, promise to pay to said county
dollars, the amount of cost of said
 seed grain and feed; that the amount of such indebtedness shall
 become due and payable on the first day of October in each year,
 in which said seed grain and feed is furnished together with interest,
 on such amount from the date of the bonds provided for herein,
 at the rate not to exceed six per cent per annum, and if such in-
 debtedness be not paid on or before the fifteenth day of October
 in that year it shall then be the duty of the county auditor of said
 county to cause the amount of said indebtedness to be entered
 upon the tax lists of said county then in the hands of the county
 treasurer as a lien against the land owned by the applicant for
 which said seed and feed were furnished, to be collected as taxes
 are, and the sum so entered and levied shall be a lien upon the
 real estate owned by said person, for which said seed and feed were
 furnished, until said indebtedness is fully paid, when it shall be
 the duty of the proper officer to cancel the same: provided, that
 such indebtedness shall not be subject to the penalty provided for
 taxes, nor shall it bear a greater rate of interest than six per cent
 per annum.

Provided further, that if the applicant is a renter the owner
 of the land shall also sign the contract with him, except in case
 where an exception is made by an order on the board of county
 commissioners, and where the owner signed such contract, the
 county shall in addition have a lien upon all real estate of such
 owner upon which said seed and grain was sown.

If such indebtedness be not paid on or before November first,
 of such year, or if the sheriff shall have reason to believe that any
 person who shall have received aid under this act is about to remove
 from the county, or is about to sell and dispose of his grain without
 first paying to the county the amount due, it shall be his duty
 to take and sell a sufficient amount of grain of such applicant to
 pay such indebtedness, including the cost of seizure, in the same
 manner as now provided for the collection of taxes in Section 2166
 of the Compiled Laws of North Dakota for 1913.

It shall be the duty of the County Treasurer to collect said
 notes as they fall due and upon payment of the same to satisfy
 the lien in the office of the register of deeds and return the note
 to the debtor.

It shall further be the duty of the county treasurer to deliver
 to the state's attorney a statement of all contracts which remain
 unpaid on the first day of January, following the said year, and it
 shall be the duty of the state's attorney to immediately in behalf
 of and in the name of said county to commence an action for the
 placing of such indebtedness in judgment, or for the foreclosure
 of the lien securing any of said notes in accordance with the laws
 providing for the foreclosure of liens or of mortgages.

§ 10. AMENDMENT.] That Section 3482 of the Compiled Laws

of North Dakota, 1913, is hereby amended and re-enacted so as to read as follows:

§ 3482. CONTRACT MADE FIRST LIEN.] Under the filing of the contracts provided for in Section 3480, the county shall acquire a just and valid lien upon the crops of grain and feed raised each year by the person receiving seed grain and feed to the amount of the sum then due to the county upon said contract, which shall as to the crops covered thereby have priority over all other liens and incumbrances thereon, except threshers and labor liens.

The county shall in addition have a lien, if the owner of the real estate has signed the application and note, upon all real estate described in the application upon which said grain is to be sown, which shall have priority over all encumbrances except those existing at the time this act goes into effect. And the filing and recording of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien upon said crops of grain and feed raised, and upon said land, which shall continue in force until the amount covered by said contract shall be fully paid.

§ 11. AMENDMENT.] That Section 3483 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted so as to read as follows:

§ 3483. TREASURER TO GIVE NOTICE.] On the first day of October following the furnishing of any seed or feed under the provisions of this act, the county treasurer shall mail to each person having obtained aid under the provisions of this act, a statement of the amount which will be due upon his note on the date it becomes due.

§ 12. AMENDMENT.] That Section 3484 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted so as to read as follows:

§ 3484. PENALTY FOR MISUSE OF SEED FURNISHED.] Any person or persons, who contrary to the provisions of this article, sell, transfer, take or carry away, or in any manner dispose of the seed grain and feed or any part thereof, furnished by the county under this Act, or shall use or dispose of said grain and feed or any part thereof, for any other purpose than that of planting or sowing and feeding the same as stated in this application, or shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part thereof, produced from the sowing or planting of said seed grain, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty dollars, nor more than one thousand dollars, or may be imprisoned in the county jail for a term of not less than ninety days, and shall pay all the costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing shall be deemed to have committed perjury and shall upon conviction suffer the pains and penalties of that crime, and upon the filing of said application in the office of the register of deeds, and the sowing of the seed obtained there-

under, any seizure thereof or interference therewith, except by the application and those in his employ, for the purpose of harvesting, threshing and marketing the same to pay the debt as aforesaid, shall be deemed a conversion thereof.

§ 13. AMENDMENT.] That Section 3486 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted so as to read as follows:

§ 3486. COUNTY AUDITOR TO NOTIFY FARMERS.] Whenever a bond or warrant issue has been determined upon by the board of county commissioners, it shall be the duty of the county auditor, forthwith, to give notice by mail of that fact to all farmers whose names appear on the assessment and tax lists, whether owners or renters, informing them that application blanks may be had from the county auditor, and that assistance will be given by him in filling out said blanks.

If more seed grain is applied for than can be supplied by the commissioners under the provisions of this article, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this article. The commissioners shall have the right to refuse any application which they may deem improper to grant, and they may revise their adjustment of applications at any time before final distribution.

§ 14. AMENDMENT.] That Section 3487 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted so as to read as follows:

§ 3487. GRAIN FURNISHED AT COST.] It shall be the duty of the commissioners providing seed grain and feed under the provisions of this article, to purchase the same at the lowest price at which suitable grain can be obtained, and to furnish the same to applicants at the actual cost thereof to the commissioners, with transportation and handling charges added, if any there be, and any person requiring or extorting from any applicant a greater price shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, as the court may determine. Any official or any agent of any official, who conspires with others to make any profit directly or indirectly out of the transaction for himself or for them, or accepts or extorts from any applicant a greater price than that authorized therein, shall be guilty of a felony, and upon conviction shall be sentenced to the penitentiary for a term of not less than one nor more than five years.

§ 15. AMENDMENT.] That Section 3488 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted so as to read as follows:

§ 3488. SINKING FUND.] All money received by the county treasurer in payment of debts incurred under the provisions of this article, shall be paid into, and become a part of the sinking fund herein provided for, and be used exclusively in the payment of bonds or warrants issued hereunder.

§ 16. SELECTION AND PURCHASE OF GRAIN AND FEED.] Immediately after the board of county commissioners has made an estimate of the amount of seed grain or feed or both required, it shall notify the commissioner of agriculture and labor, and he shall assist and co-operate with the board in procuring said grain and feed. The board may advertise for offers of seed grain or feed or both, in one or two newspapers within the county, and give the same such other publicity as it may deem advisable. Where price and quality are equal, preference shall be given to grain and feed offered for sale within the county.

The board and the commissioner of agriculture and labor shall take samples from the grain offered which in their judgment is most suitable for seed, and shall transmit them to the state seed commissioner at the agricultural college for analysis and germination test. The state seed commissioner shall make a prompt report of such test, classifying the samples as to their fitness for seed, which report shall be filed in the county auditor's office and in the office of the commissioner of agriculture and labor, and shall be open to public inspection.

No contract shall be made for any lot of seed grain which in its viability (growth power), its varietal purity, and its freedom from noxious seeds, is unsatisfactory for use as bulk seed for sowing the general crop.

After the grain has been delivered to the board of county commissioners a second test shall be made, if in the opinion of the commissioner of agriculture and labor time permits, before it is distributed to the farmers. In no event shall any grain be sold to the farmers by the county as seed which is unsuitable for the growing of the general crop.

§ 17. UNIFORM BLANKS.] The commissioner of agriculture and labor shall prepare such uniform blanks as he shall deem necessary for the purpose of this act and supply the same to the county auditor of any county issuing bonds.

§ 18. Any county that has issued any bonds or had any proceedings heretofore with a view of issuing its bonds under chapter 24 of the Political Code of the Compiled Laws of North Dakota for 1913, shall upon the passage and approval of this act come under and proceed according to the provisions of this act. No bonds issued or proceeding had heretofore under chapter 24 of the Political Code of the Compiled Laws of North Dakota for 1913, shall be invalidated or in any manner made void by this act.

§ 19. APPROPRIATIONS.] There is hereby appropriated from any monies in the state treasury not otherwise appropriated, to the commissioner of agriculture and labor the sum of three thousand dollars or so much thereof as may be necessary, and to the state seed commissioner the sum of one thousand dollars, or so much thereof as may be necessary, for analysis, tests, inspections, clerical assistance, traveling expenses, stationery, postage, express and such

other expenses as may be by them deemed necessary in carrying out the provisions of this act.

§ 20. INTENTION OF THE ACT.] Whereas it is necessary and proper that the state of North Dakota in its sovereign capacity should enact suitable legislation to aid and assist, destitute and needy farmers, who by reason of drouth, rust, hail or other cause are unable to purchase seed grain or feed to farm lands within the State of North Dakota and whereas, it is necessary in the best interest of the state to protect such needy and destitute farmers that aid be given as herein provided, therefore, it is the intention of this act to give aid and assistance to such farmers and that this act shall be liberally construed to effectuate that purpose and if for any reason any part or portion thereof shall be declared to be unconstitutional it shall not affect the other part or portion thereof.

§ 21. EMERGENCY.] Whereas an emergency exists in that there has been a crop failure in many parts of the state, and no adequate relief is provided for by law, and whereas it is necessary for the immediate preservation of public peace, health and safety that immediate relief be given, therefore this act shall take effect and be in force from and after its passage and approval.

Approved January 30, 1918.

CHAPTER 14.

[S. B. No. 4—Drown.]

UNIFORM STATE GRADE OF GRAIN.

An Act Creating a Uniform State Grade of Wheat, Oats, Barley, Flax and all other Grains, Seeds and Agricultural Products; Creating and Establishing the Office of State Inspector of Grades, Weights and Measures and Providing for the Appointment of Deputy State Grain Inspectors and Providing for State Aid for Marketing Facilities and the Establishment of State-owned Marketing Places and Providing for Inspection of Licensed Warehouses by Competent Accountants and Expert Grainmen, and Authorizing the Employment of such Accountants, and Making an Appropriation Therefor; and Providing Penalties for the Violation of any of the Provisions of this Act.

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

§ 1. STATE INSPECTION OF GRADES, WEIGHTS AND MEASURES.] The Commissioners of Railroads, of North Dakota, shall appoint a member of the faculty of the North Dakota Agricultural College (who shall be an expert in the grading and weighing of all kinds of grain, seeds, and other agricultural products) to be the State Inspector of Grades, Weights and Measures and shall receive in addition to his other compensation the sum of \$1,000 per annum. It shall be the duty of said Inspector to proceed at once to define and establish proper grades and weights for grain, seeds and other agricultural products, also for flour meal and products made therefrom, which grades and weights shall be approved by the Commissioners of Railroads.

§ 2. CLERICAL HELP.] The Commissioners of Railroads shall authorize the employment of such clerical help as is necessary for carrying out the provisions of this Act, and determine the compensation to be paid for such service. The State Inspector of Grades, Weights and Measures shall name and select such clerical help as is authorized by the Commissioners of Railroads; provided, such clerical help and other expenses shall not exceed the sum of \$15,000 per annum to be paid out of the state public grain grading and weighing fund on vouchers submitted to the state auditing board and approved by the Commissioners of Railroads.

§ 3. GRADES TO BE PUBLISHED.] The State Inspector of Grades, Weights and Measures shall cause said formula or scale of grades, weights and measures to be published in not more than five newspapers of general circulation in the State of North Dakota, two of which shall be devoted to the benefits of agriculture and three shall be papers of general circulation.

The said standards of grades shall be published each year not later than August first.

§ 4. DEPUTY INSPECTORS. HOW APPOINTED.] The State Inspector of Grades, Weights and Measures shall appoint and designate a chief deputy grain inspector who shall be stationed at the Agricultural College and shall have power to appoint skilled and competent deputies, who shall be stationed at any town or place where grain, seed and other agricultural products are marketed; provided that the town or community where such deputy is stationed shall at their own expense provide a suitable building and scales for housing said deputy, and the upkeep of said building and scales shall be borne by the state out of funds secured on account of fees collected for inspecting and weighing.

§ 5. DUTIES OF DEPUTIES, GRAIN INSPECTION.] It shall be the duty of the deputy to weigh, inspect and grade all grain, seeds and produce that shall be offered for sale at said market place, and to issue a signed certificate stating the kind, grade and weight of such grain, seeds or produce; also the amount of dockage, if any, and such other facts as he may find relative to its condition. It shall also be the duty of said deputy to accurately sample and grade carload shipments destined for some central market either within or outside the state, and to make and attach a signed inspection certificate to a sealed package containing the sample, and forward same to a deputy in charge of said central market.

§ 6. PUBLIC WAREHOUSE INSPECTORS.] The Railroad Commissioners shall appoint such number of inspectors of public warehouses as may be necessary, who shall be men of expert and practical knowledge of the grain business; who shall visit the public warehouses in the state for the purpose of ascertaining whether a sufficient bond is in force to protect the holders of storage tickets for grain stored therein; whether such institution is amply protected by insurance; to advise with local managers and board of directors as to proper methods of accounting; to assist local ware-

housemen in making proper reports, and to enforce the rendering of annual or other reports required by the Railroad Commissioners; to see that all laws as regards public warehouses are complied with, and to advise and assist local warehousemen in any way that will make for efficiency and for the safety of the grain marketing business of the state. Should such inspectors find any condition prevailing in any public warehouse that would impair the safety of such institution, they shall report same to the Board of Railroad Commissioners and to the local board of directors of the institution in question. Failure to remedy such condition will empower the Board of Railroad Commissioners to suspend the license of such warehouse, or in extreme cases, if after full notice, and reasonable time being allowed to comply with the instructions of the Board of Railroad Commissioners such local warehouse refuses to remedy said complaint; the Board of Railroad Commissioners shall cancel the license of such warehouse.

§ 7. CENTRAL MARKETS. HOW ESTABLISHED.] The Commissioners of Railroads may establish as they see fit central markets for the display of samples of grain, seeds and other agricultural products, and may install a deputy in charge of said central markets at the cities of Duluth, Saint Paul and Minneapolis, in the State of Minnesota, also Superior, Wisconsin; Fargo, Fairmount, Wahpeton, and Grand Forks, North Dakota, and such other stations as in the judgment of the Commissioners of Railroads shall be necessary to provide adequate marketing facilities; that said markets shall be open to any and all persons desiring to buy or sell on said market, and that the charges for said services shall be fixed and determined by said Commissioners of Railroads. They shall also establish uniform fees for grading, weighing, inspecting and selling. All of said fees so collected shall be paid into the treasury of the state of North Dakota. They shall also fix the salary or compensation to be paid to deputies and employees. They shall also provide a system of bonding said deputies and other employees. They shall also require that any and all persons purchasing or receiving grain on consignment at a central market shall give an indemnity bond in a sufficient sum to fully protect the seller against fraud or loss. They shall also formulate rules and regulations governing the conduct of all public warehouses where grain, seed and other agricultural produce is bought, sold or received for storage, and such warehouses shall be bonded in a sum sufficient to amply protect all persons transacting business with them against loss.

§ 8. LICENSES FOR BUYERS.] Said State Inspector of Grades, Weights and Measures may with the approval of the Commissioners of Railroads, license as deputy inspector the buyer or agent of a privately owned warehouse, provided that said deputy inspector shall pass such examination as to competency as may be prescribed, and give a bond in a sufficient amount, as required according to

regulations prescribed by the State Inspector of Grades, Weights and Measures.

All licenses issued to deputy inspectors in private warehouses shall be for the term of one year.

The conditions of such licenses shall require the holders thereof to well and truly fix grades and actual dockage of all grains inspected by them at their respective places of business and to correctly weigh the products so inspected and graded.

§ 9. LICENSES POSTED.] Each licensee shall cause his license to be posted in a permanent and conspicuous place at his regular place of business, and shall not be authorized to inspect, grade, or weigh grain at other places, except with the approval of the Commissioners of Railroads.

§ 10. FEES AND LICENSES.] The Inspector of Grades, Weights and Measures, shall collect a fee of ten dollars (\$10.00) for each license issued. Licenses shall be subject to suspension by the Inspector of Grades, Weights and Measures or his Chief Deputy for gross and wilful violation of the provisions of this act or incompetency and said Inspector shall at once notify the Board of Railroad Commissioners of such suspension and said Board shall at once hold a hearing and if the cause of such suspension is substantiated, the license of the licensee shall be cancelled, and all expenses caused by such hearing shall be paid from the State Public Grain Grading and Weighing Fund. Providing that the owner or owners of the elevator of which the license of the buyer has been suspended shall have the power to appoint a temporary buyer without a license pending such hearing.

It shall be unlawful for any person operating a public warehouse to purchase, weigh, grade or inspect grain or seed who is not licensed as deputy inspector, provided that any person without a license may buy any article that has been graded, weighed and inspected by a deputy State Inspector of Grades, Weights and Measures.

§ 11. APPEALS. HOW MADE.] The State Inspector of Grades, Weights and Measures shall receive all appeals from the decision of all deputy inspectors under such rules as shall be approved by the Commissioners of Railroads for re-inspection, and the State Inspector of Grades, Weights and Measures shall consider the flour and bread producing qualities where such final decision is necessary.

§ 12. MISDEMEANOR. FINES.] Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and for the first offense shall pay a fine of not less than ten dollars and not more than one hundred dollars, or be confined in the county jail not less than ten days nor more than thirty days, or both such fine and imprisonment.

For each succeeding offense he shall pay a fine of not less than one hundred dollars, or more than five hundred dollars or be confined to the county jail not less than thirty days or more than ninety days, or both such fine and imprisonment.

§ 13. APPROPRIATION. INSPECTION FEES. WAREHOUSE.] Any appropriations that have been heretofore made for the purpose of carrying out the provisions of this Act shall remain in full force and effect. The State Inspector of Grades, Weights and Measures may fix a fee for the grading, sampling, inspecting and weighing of grain and seed, by the chief deputy or the deputy State Grain Inspectors, but no fee shall be charged by a licensed inspector of a privately owned warehouse. All fees collected by the Inspectors shall be turned into the State Public Grain Grading and Weighing Fund.

§ 14. EMERGENCY.] Whereas it is necessary for the immediate preservation of public peace, health and safety that immediate relief be given, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved January 30, 1918.

INDEX

	Page
A	
APPROPRIATION—	
Depositor's Guaranty Fund Commission.....	1
Special Session Legislative Assembly.....	2
Council of Defense.....	7
B	
BONDS AND WARRANTS—	
For Purchase of Seed Grain and Feed.....	15
C	
CONCURRENT RESOLUTION—	
Relating to Publication Session Laws for Special Session.....	3
Relating to Ratification of Proposed Amendment to Constitution of United States.....	13
CORPORATIONS—	
Reinstatement of.....	3
COUNCIL OF DEFENSE—	
Creation of.....	4
Compensation, Powers and Duties.....	5
Appropriation.....	7
COUNTY MUTUAL INSURANCE COMPANIES—	
Extension of Term of Corporate Existence.....	10
CRIMINAL LAW—	
Sabotage Defined.....	14
D	
DEPOSITOR'S GUARANTY FUND—	
Appropriation.....	1
E	
ELECTIONS—	
Permitting Electors in Military Service to Vote.....	7
G	
GRAIN—	
Bonds and Warrants for Purchase of Seed.....	15
Uniform State Grade for.....	24
H	
HOSPITAL FOR INSANE—	
State Treasurer to Give Credit to.....	9
Maintaining Patients.....	9

	Page
I	
INSURANCE COMPANIES—	
Relating to County Mutual.....	10
M	
MORATORIUM—	
Regulating Civil Rights of Members of Army and Navy.....	11
P	
PROHIBITION—	
Ratification of Proposed Amendment to Constitution of the United States	13
R	
RESOLUTION—	
Concurrent, Relating to Publication of Session Laws for Special Session.....	3
Joint, Relating to Ratification of Proposed Amendment to Constitution of the United States.....	13
S	
SABOTAGE—	
Defining Crime of.....	14
SEED GRAIN AND FEED—	
Bonds and Warrants for.....	15
SPECIAL SESSION LEGISLATIVE ASSEMBLY—	
Appropriation.....	2
Publication of Session Laws for.....	3
V	
VETO—	
Partial, Appropriation Special Session Legislative Assembly.....	2