

## CHAPTER 132.

(S. B. No. 204—Kaldor.)

## REPORT.

An Act to Amend and Re-enact Section 158 of the Compiled Laws of North Dakota for 1913, Relating to the Attorney General's Report.

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

Sec. 1. AMENDMENT.) Section 158 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted as follows:

Sec. 158. He shall make a biennial report to the Governor on or before the 1st day of September of each even-numbered year, covering the business of his office to and including the 30th day of June last preceding, stating the number, character, condition and result of the actions prosecuted or defended by him in behalf of the state, the cost of prosecuting or defending each action, and the amount of fines and penalties collected. He shall also direct attention to any defect in the practical operations of the laws relating to revenue and criminal offenses, and suggest such amendments and changes as are in his judgment necessary to subserve the public interest.

Approved February 19th, 1923.

## ATTORNEYS

## CHAPTER 133.

(S. B. No. 286—Baird, Garberg and Kaldor.)

## BAR ASSOCIATION.

An Act to Amend and re-enact Chapter 25 of the Session Laws of the State of North Dakota for the year 1921, Being an Act to Create, define and establish the Bar Association of the State of North Dakota, and providing for the Publication of its Proceedings, and filing copies thereof with the State Bar Board and State Libraries, and as otherwise Provided and making an appropriation for the expenses connected therewith.

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

Sec. 1. AMENDMENT.) Chapter 25 of the Session Laws of the State of North Dakota for the year 1921, being an act to create, define and establish the Bar Association of the State of North Dakota, and providing for the publication of its proceedings, and filing copies thereof, with the State Bar Board and

State Libraries, and as otherwise provided and making an appropriation for the expenses connected therewith, is hereby amended and re-enacted to read as follows:

Sec. 1. An association, to be known as the Bar Association of the State of North Dakota, shall be and is hereby created, the members of which shall consist of all practicing attorneys who have paid their annual license fees to and have received their licenses from the Clerk of the State Bar Board, as provided by law, and all other attorneys who have been duly admitted to practice by the Supreme Court of the State of North Dakota and by law exempted from the payment of such license fees. Such members shall be entitled to all of the rights and privileges of said Association, and to vote, and to participate in its meetings.

Sec. 2. The said Bar Association of the State of North Dakota shall operate under the Constitution, by-laws and rules adopted at the annual meeting of the year 1921 of said Bar Association of the State of North Dakota, pursuant to the provisions of said Chapter 25 of the Session Laws of North Dakota for the year 1921, and shall receive annually, out of the State Bar Fund, the sum of Five Dollars per member for the purpose of paying for the printing and distribution of the annual report and proceedings of said Bar Association and for the payment of other necessary expenses of said Association. Such sum of Five Dollars per member, shall be paid into the treasury of the said Bar Association of the State of North Dakota quarterly by the Secretary of the State Bar Board, upon vouchers drawn by the President and Secretary of said Bar Association.

Sec. 3. The moneys so paid into the treasury of the said Bar Association of the State of North Dakota shall be paid out only upon vouchers drawn by the President and Secretary of the Bar Association; and the Secretary-Treasurer of said Bar Association shall, annually, in addition to the duties imposed upon him by the Constitution, by-laws and rules of said Bar Association, file in the office of the Clerk of the State Bar Board an itemized statement of the receipts and disbursement of said Bar Association.

Sec. 4. The bond of the Secretary-Treasurer of the Bar Association of North Dakota is hereby fixed at the sum of Two Thousand Dollars, the premium for which shall be paid out of the amount paid to the said Bar Association from the State Bar Fund.

Sec. 5. This Act shall not create any liability on the part of the State of North Dakota in excess of the payment as hereinbefore provided out of the State Bar Fund.

Sec. 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 7. EMERGENCY.) Whereas an emergency exists by reason of the fact that no sufficient provisions of law exist for the proper carrying on of the work of the Bar Association of the State of North Dakota, this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1923.

---

## CHAPTER 134.

(S. B. No. 284—Baird, Garberg and Kaldor.)

---

### BAR BOARD.

An Act To Amend and Re-enact Sections 782, 783, 784, 787, 799, 808, 809, 810, 811 and 812 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 69 of the Session Laws for the Year 1919. Relating to the Creation of a State Bar Board, its Members, their Term of Office, Qualifications, Compensation and Duties and Providing for the Admission of Attorneys to Practice and the Issuance of Licenses to Practice, and making an appropriation of \$10,000 from the State Bar Fund for the State Law Library.

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

Sec. 1. AMENDMENT.) Section 782 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 782. APPOINTMENT OF BAR BOARD.) The Supreme Court of the State of North Dakota shall appoint from the resident and licensed members of the Bar of this State three persons, who shall be learned in law, to constitute a State Bar Board, which shall succeed to and execute the duties of the State Board of Examiners in Law. All members of the State Bar Board shall be appointed from a list of members of the State Bar Association to be submitted from time to time by the said Bar Association, the list so submitted to consist of three members of the Association in good standing for each appointment to be made.

Sec. 2. AMENDMENT.) Section 783 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 783. TERM OF OFFICE. VACANCIES. HOW FILLED. QUALIFICATIONS.) The members of said Bar Board shall be appointed

within one month after this Act becomes a law. The term of office of the members of the first Board shall be as follows: One for a term ending January 1st, 1925, one for a term ending January 1st, 1927, and one for a term ending January 1st, 1929; and their successors shall receive their appointment for a term of six years each from the time of the expiration of the respective terms herein specified, subject, however, to removal at the pleasure of the Court; and in case of a vacancy occurring by reason of the death, resignation, removal or incapacity to serve of any member of said Bar Board a successor shall be appointed in the manner herein provided for the unexpired portion of the term. Every person appointed to said Bar Board shall qualify within ten days after such appointment by taking the oath required by the Constitution and Laws of the State, to faithfully perform the duties of such office.

Sec 3. AMENDMENT.) Section 784 of the Compiled Laws of the State of North Dakota for the year 1913 as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 784. OFFICERS OF THE BOARD. EXAMINATIONS. RECORD OF PROCEEDINGS.) The said Bar Board shall organize within one month after the appointment of the members thereof by electing one of its members president, who shall hold said office for a term of two years and until his successor is duly elected and qualified. The Clerk of the Supreme Court shall be ex-officio Secretary and Treasurer of the Board. The said Board shall, at least once in each year, hold public examinations for admission to the Bar of this State, which examinations shall be both written and oral, at such places and times in this State, as the said Board shall direct. The said Board shall keep a record of all of its proceedings and also a record of all applications for admission and admissions to the Bar and shall enroll in a book to be kept for such purpose the name of each person admitted to practice as an attorney at law.

Sec. 4. AMENDMENT.) Section 787 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 787. COMPENSATION. FEES.) Each member of said Bar Board shall receive Ten Dollars per day for the actual time devoted to the duties of said office, and shall, in addition thereto, receive the actual expenses incurred while away from his place of residence in attending to such duties. The said Bar Board may employ such assistants, purchase such supplies, and incur such expense as may be necessary to carry on the work provided for herein, but such expenditures shall all remain within the sums

derived from the fees paid to said State Bar Board. All claims for such compensation, fees and expenses of such Board shall be submitted to the auditing board of this State on sworn vouchers as now required by law and shall be paid by the Treasurer of the State out of the State Bar Fund.

Sec. 5. AMENDMENT.) Section 799 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 799. REVOCATION AND SUSPENSION.) The revocation of any attorney's admission to the Bar is, and shall constitute, a forfeiture of his office as an attorney or counsellor at law to practice in the Courts of this State, but not until a copy of the charges against such attorney shall have been delivered to him by the Clerk of the Court in which the proceedings shall be had and an opportunity shall have been given him to be heard in his defense.

Sec. 6. AMENDMENT.) Section 808 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 808. REFERENCE TO STATE BAR BOARD BY SUPREME COURT.) Whenever it is brought to the attention of the Supreme Court of the State of North Dakota by verified complaint that any member of the Bar of said State is charged with conduct warranting his disbarment or suspension, and it appears to such Court that such charges should be investigated, the said Court may, in its discretion, refer the matter to the State Bar Board, with directions to investigate such charges, and when any such matter is so referred to the said Bar Board for investigation each of the members of said Bar Board shall have power and authority to administer oaths to witnesses and take testimony in regard to such charges and to issue subpoenas commanding witness so to appear at any place within the Judicial District where such witnesses may reside.

Sec. 7. AMENDMENT.) Section 809 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 809. REPORT BY BAR BOARD.) When the State Bar Board has completed the investigation, as provided in Section 808, it shall make a report to the Supreme Court including therein the conclusions of the said Board as to the truth or validity of the charges investigated and its recommendations as to whether further proceedings should be had.

Sec. 8 AMENDMENT.) Section 810 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 810. PROSECUTION BY STATE BAR BOARD.) Upon receiving the report mentioned in Section 809, the Supreme Court may, in its discretion, order and direct the State Bar Board to file accusations and begin proceedings for the disbarment, suspension or other disciplining of the accused attorney, in accordance with the method of procedure provided in Sections 799 to 804, inclusive, of the Compiled Laws of North Dakota for the year 1913; and if such order is made, it shall then be the duty of such State Bar Board to comply with such order and to designate and select the attorney or attorneys to further prosecute such matter or conduct the prosecution by its own members.

Sec. 9. AMENDMENT.) Section 811 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 69 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 811. WHO MAY PRACTICE. LICENSE FEE. APPROPRIATION.) No person shall be entitled to practice law or act as attorney or counsellor at law in this State unless such person shall first secure a certificate of admission to the Bar. Such certificate shall be issued upon payment of the fee provided therefor and, in addition thereto, the further payment of the annual license fee of Ten Dollars. From the moneys heretofore accumulated and now on hand in the State Bar Fund, there is hereby appropriated the sum of \$10,000 to be expended under the direction of the Supreme Court for purchase and repair of books in the State Law Library. The Clerk of the Supreme Court shall, in his ex officio capacity, as the Treasurer of said Bar Board, deposit all license fees with the State Treasurer to be by him kept in a fund known as the State Bar Fund, the same to be disbursed therefrom only in the manner herein provided. Nothing herein contained shall prevent any non-resident attorney, duly licensed to practice in another State, from appearing before the Courts of this State.

Sec. 10. AMENDMENT.) Section 812 of the Compiled Laws of the State of North Dakota for the year 1913 as amended by the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

Sec. 812. LICENSE FEE. WHEN PAID.) On and after August 1st, 1919, every person practicing law in this State and acting as an attorney or counsellor at law therein, except those mentioned in Section 793 of the Compiled Laws of North Dakota

for the year 1913, shall secure an annual license from the State Bar Board. And on or before the first day of January of each calendar year thereafter every person engaged in the practice of law in this State shall secure an annual license from the State Bar Board. The Clerk of the Supreme Court, in his capacity as Secretary and Treasurer of the State Bar Board shall issue to any person holding an unrevoked certificate of admission to the Bar of the State of North Dakota, and paying the amount of the fee as determined under the provisions of Section 811, an annual license to practice law to such attorney which said license shall be good for one year from and after the first day of January of the year in which such license was issued.

Sec. 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7th, 1923.

---

## AUDITING BOARD

---

### CHAPTER 135.

(S. B. No. 355—Atkins.)

---

#### MEMBERSHIP.

An Act to Amend and Re-enact Section 375 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 227 of the Session Laws of 1915, as Amended by Chapter 21 of the Special Session Laws of 1919 Relating to the State Auditing Board, its Duties and the Membership thereof.

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

Sec. 1. That Section 375 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, as amended by Chapter 21 of the Special Session Laws of 1919, is hereby amended and re-enacted to read as follows:

Sec. 375 as amended. AMENDMENT. STATE AUDITING BOARD. DUTIES.) The Governor, State Auditor, Secretary of State, State Treasurer, and the State Examiner, shall constitute a board to be known as the State Auditing Board, any three of which shall constitute a quorum for the transaction of business. The State Auditor shall act as Secretary of the State Auditing Board, and shall receive and file for the consideration of the State Auditing Board, all accounts, claims or demands against the State, except those of State owned utilities, enterprises and business projects,