

affect the remainder of said act but the same shall receive a liberal interpretation with the view of carrying out the purposes hereof.

All acts or parts of acts in conflict with the provisions of this article are hereby expressly repealed.

Approved February 27th, 1923.

PARDON AND PAROLE

CHAPTER 262.

(S. B. No. 396—Baird.)

INDETERMINATE SENTENCES.

An Act to Amend and Re-enact Sections 10943 and 10944 of the Compiled Laws of North Dakota for the year 1913, and Section 10948 of the Compiled Laws of North Dakota for the year 1913 as Amended by Chapter 233 of the Session Laws of North Dakota for the year 1915, Relating to Indeterminate Sentences of Persons Convicted of Certain Crimes, and the Discharge or Paroling of Prisoners Serving Indeterminate Sentences, Abolishing the Board of Experts, and Repealing all Acts in Conflict Therewith.

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

Sec. 1. AMENDMENT.) Section 10943 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 10943. TERM OF IMPRISONMENT IN THE PENITENTIARY.) In all cases where a person is convicted of a felony other than treason, murder in the first degree, kidnapping, or rape by force, the court imposing the sentence may, in its discretion, refrain from imposing sentence for a definite term and impose an indeterminate sentence. In all cases where an indeterminate sentence is imposed, the court imposing the sentence shall adjudge that the person so sentenced be imprisoned for not less than a stated minimum nor more than a stated maximum period of time; provided, that in all cases the minimum period shall not be less than the minimum term nor shall the maximum be more than the maximum term provided by law for the offense committed at the time of the commission of such offense.

Sec. 2. AMENDMENT.) Section 10944 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 10944. OFFICIAL INFORMATION OF PRISONER'S CHARACTER AND HABITS.) It shall be the duty of the Judge before whom any person is convicted and sentenced to the penitentiary, whether sentence is for a definite or indeterminate term, and it shall also be the duty of the state's attorney of the county in which such conviction is had, to file with the clerk of the district court an official statement of the facts and circumstances constituting and surrounding the crime whereof the prisoner was convicted, his age as nearly as can be ascertained, together with all other information accessible in regard to the career of the prisoner prior to the time of the committal of the crime of which he was convicted, relative to his habits, associates, disposition and reputation, and any other facts and circumstances which may be capable of throwing light upon the question as to when such prisoner may be capable of becoming a law-abiding citizen. In such statement the district court shall also set out the reasons for imposing the particular sentence imposed whether indeterminate or for a fixed term. In such statement the district court and state's attorney, or either of them, may also make any recommendations or offer any suggestions which are deemed pertinent relative to the prisoner and the cause under consideration. It shall be the duty of the official court reporter, at the dictation of the Judge of said court, or the state's attorney of said county, to write the official statements of the Judge and state's attorney above referred to at the time of the conviction of the prisoner, and it shall be the duty of the clerk of the court to cause copies of such official statements to be attached to the commitment and to deliver the same, so attached, to the sheriff of the county for transmission to the institution to which the prisoner is committed.

Sec. 3. AMENDMENT.) Section 10948 of the Compiled Laws of 1913, as amended by Chapter 233 of the Session Laws of North Dakota for the year 1915, is hereby amended and re-enacted to read as follows:

Sec. 10948. BOARD OF PARDONS. POWERS AND DUTIES.) The Board of Experts is hereby abolished, and all powers conferred upon that Board by existing Provisions of Law, are hereby vested in the Board of Pardons. All applications for the discharge or parole of the inmates of the penitentiary, who may have been sentenced either for a fixed term or under the indeterminate sentence law, shall be presented to and passed upon by the Board of Pardons and no person serving an indeterminate sentence shall be released from the penitentiary merely because the minimum term of his sentence has expired but his term shall continue until the expiration of the maximum term, unless he is sooner ordered discharged or is paroled from the institution by the Board of Pardons. The Board of Pardons shall determine and fix the date when an inmate may

be released or paroled or discharged after the expiration of the minimum term of the sentence. Such determination, however shall be made in each particular case and a complete record shall be kept of all the findings and orders of the Board. It shall be the duty of the Board of Pardons to provide books of record, application blanks, and to formulate rules and regulations governing the conduct of the inmates, and the manner in which they may become eligible to become applicants for discharge or parole. Applications for parole may be considered at any regular meeting of the Board of Pardons or at any special meeting called by the Governor. The Board of Pardons shall keep a complete record of all inmates discharged or paroled, and make a biennial report to the Board of Administration of all rules adopted, and of inmates paroled and discharged, and of all statistics pertaining thereto.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5th, 1923.

CHAPTER 263.

(H. B. No. 138—Harrington.)

PARDON OF MURDERER.

An Act to Amend and Re-enact Chapter 95 of the Session Laws of North Dakota for 1921, Being an Act to Amend and Re-enact Section 2 of Chapter 63, Session Laws of North Dakota for 1915, Prescribing and Limiting Punishment of the Crime of Murder in the First Degree and Limiting the Time, Manner and Condition Whereby such Person may be Pardoned.

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

Sec. 1. AMENDMENT.) That Chapter 95 of the Session Laws of North Dakota for 1921 is hereby amended and re-enacted to read as follows:

Sec. 2. PERSON CONVICTED AND UNDER SENTENCE OF MURDER IN THE FIRST DEGREE WHEN SUBJECT TO PARDON.) No person hereafter or heretofore convicted of murder in the first degree shall be eligible to pardon, commutation of sentence or parole until after he shall have been confined in the State Penitentiary for at least fifty per cent of the time of his life expectancy, to be determined on the day and date of his age on the date of entry of final judgment of conviction, and such life expectancy shall be based on the life expectancy tables known as the Carlisle tables of mortality, or unless it shall be made to appear to the satisfaction of the Pardon Board that the person convicted is innocent of the charge for which he was convicted, or it shall be made to

appear to the satisfaction of the Pardon Board that the person was convicted on a plea of guilty and did not directly commit the act constituting the offense, and that the indirect act committed by said person, which made him a principal in said crime by virtue of the provisions of Section 9218, Compiled Laws for 1913, was done by him without intent and knowledge that the crime for which he was convicted would be committed.

Approved March 1st, 1923.

PARTNERSHIP

CHAPTER 264.

(S. B. No. 378—Baird.)

PARTNERSHIP EXEMPTIONS.

An Act to Amend and Re-enact Section 7741 of the Compiled Laws of 1913 as Amended and Re-enacted by Chapter 156 of the Session Laws of 1915 Relating to Partnership Exemptions.

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

Sec. 1. AMENDMENT.) That Section 7741 of the Compiled Laws of North Dakota for 1913 as amended and re-enacted by Chapter 156 of the Session Laws of 1915, be amended and re-enacted to read as follows:

Sec. 7741. PARTNERSHIPS CAN CLAIM BUT ONE EXEMPTION.) A partnership firm can claim but one exemption of one thousand dollars (\$1,000.00) in value or alternative property when so applicable, instead thereof, out of the partnership property. All partnership property claimed as exempt shall constitute a part of the exemptions of the several partners the same being divided in proportion to the interests of the partners in the firm assets, and in no case shall the aggregate exemptions of the several partners exceed the amount which would have been allowed to them if the partnership had not existed.

Approved March 1st, 1923.