
CIGARETTES

CHAPTER 106

(S. B. No. 61—Hamilton.)

SALE ETC. CIGARETTES TO MINORS

An Act To Amend and Re-enact Sections 10184 and 10185 of the Compiled Laws of North Dakota for the Year 1913, as Amended and Re-enacted by Chapter 126 of the 1921 Session Laws, Regulating the Sale, Manufacturing, Bartering or Giving Away of Any Cigarettes, Cigarette Papers or Wrappers, to Minors, Providing Penalties and Repealing Acts in Conflict Herewith.

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

§ 1. AMENDMENT.] Section 10184 of the Compiled Laws of North Dakota for 1913, as amended and re-enacted by Chapter 126 of the 1921 Session Laws, is hereby amended and re-enacted to read as follows:

§ 10184. SALE. WHEN UNLAWFUL.] It shall be unlawful for any person by himself, clerk, servant, employee or agent, or any clerk, servant, employee or agent of any person, directly or indirectly, upon any pretense or by any device, to sell, exchange, barter, dispose of or give away to, or to furnish to, or buy or procure for, any person under the age of twenty-one years any cigarette, cigarette paper or cigarette wrapper, prepared or designed to be used for filling with tobacco for smoking.

§ 2. REVOCATION OF PERMIT.] The Attorney General shall revoke the permit of any person, firm or corporation, authorized to sell cigarettes and cigarette papers in this state, who has violated any of the provisions of this act, and no such permit can again be issued to such person, firm or corporation for a period of two years thereafter.

§ 3. AMENDMENT.] Section 10185 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 126 of the 1921 Session Laws is hereby amended and re-enacted to read as follows:

§ 10185. PENALTY.] Any person violating any of the provisions of Section 1 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for the first offense be punished by a fine of not less than \$50.00 nor more than \$100.00; and for the second and each subsequent offense, by a fine of not less than \$100.00 nor more than \$300.00, or by imprisonment in the county jail for not less than ten or more than ninety days, or both such fine and imprisonment. The enforcement of the penal provisions of this

act is enjoined upon every officer and official whose duty it is to enforce the laws of this state and any such officer failing to enforce the penal provisions hereof, shall be subject to removal from office in manner by law provided.

§ 4. Any person, firm or corporation violating any of the provisions of this Act, or maintaining a place where cigarettes or cigarette papers are sold or kept with intent to sell in violation of the provisions of this Act, shall be deemed guilty of keeping and maintaining a nuisance, and the building or place so used for the sale or keeping for sale of cigarettes or cigarette papers, or wrappers in violation of the provisions of this Act shall be deemed to be a nuisance, and such person, firm or corporation may be enjoined and such building or place abated as a nuisance, and the procedure for the actions to enjoin and abate such nuisance, or for contempt in violating an order of injunction, shall be, so far as applicable, the same as those now provided by laws of this State for enjoining and abating intoxicating liquors.

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

§ 6. EMERGENCY. This act is hereby declared an emergency measure and shall be in full force and effect on and after April 1st, 1925.

Approved February 20, 1925.

CHAPTER 107

(S. B. No. 62—Hamilton.)

SALE OF CIGARETTES AND CIGARETTE PAPERS

An Act Entitled, An Act Relating to the Sale of Cigarettes, and Cigarette Papers and Wrappers and Papers Used and Prepared for the Making of Cigarettes; Providing for Issuing Licenses for the Purpose of Making sales Thereof and Furnishing of Bond; Providing for the Levy, Assessment, Collection and Payment of a Tax Thereon; Providing for the Regulation of the Sales Thereof, and Penalty for Violation of this Act; and Defining the Duties of the Attorney General, State Auditor and State Treasurer Imposed Under the Provision of this Act; and Providing that Any Person Violating this Act Shall be enjoined and that Any Building or Premises Made Use of for Purposes in Violation of this Act Shall be Deemed a Nuisance and Abated by Injunction.

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

§ 1. No person, firm or corporation shall sell cigarettes or cigarette papers in the state of North Dakota without first obtain-

ing a permit therefor which said permit shall be granted and issued by the Attorney General on or before July 1st of each year, and said permit shall be in force and effect for one year following July 1st after its issue unless sooner revoked and shall be granted only to the person, firm or corporation owning or operating the premises from which said sale is to be made and shall not be transferable; which permit shall have a number and show the residence and place of business of the holder. Such permit must be posted in a conspicuous place in the holder's place of business, in which place the sale of cigarettes or cigarette papers are to be made. The Attorney General shall revoke the permit of any person who has violated any of the provisions of this act, and no such permit can again be issued for a period of two years thereafter. The Attorney General shall upon the issuance or revocation of any permit hereunder, immediately notify the State Treasurer.

§ 2. No permit shall be issued until the applicant therefor shall file a bond, to be approved by the Attorney General, which said bond shall be payable to the State of North Dakota, and shall be in an amount of not less than \$500.00, and conditioned upon the faithful observance of all the provisions of this Act, including the payment of all taxes, fines, penalties and costs herein provided for. Said bond shall be signed by the obligor as principal, and by a surety company authorized to do business in this state, or by two sureties who shall justify in double the amount of the bond, and neither of whom shall be surety on another like bond.

§ 3. No permit shall be issued until the applicant shall have paid to the Attorney General a mulct tax of \$10.00, license fee. The Attorney General shall receipt for such payments and shall forthwith pay over all such remittances to the State Treasurer and such funds shall be turned into the general fund of the State.

§ 4. Every person, partnership or corporation carrying on the business of selling or keeping for sale cigarettes or cigarette papers, or maintaining a place where such cigarettes or cigarette papers are kept with intent to sell, shall pay the mulct tax provided for in Section 3 hereof, payable on the first day of July in each year.

§ 5. From and after the taking effect of this Act, there is hereby levied and assessed and shall be collected and paid to the State Treasurer upon all cigarettes and cigarette papers or wrappers and tubes sold in North Dakota to consumers the following taxes, to be paid prior to or at the time of sale and delivery to the consumer:

Class A. On cigarettes weighing not more than three pounds per thousand, one and one-half mill on each such cigarette.

Class B. On cigarettes weighing more than three pounds per thousand, two mills on each such cigarette.

Class C. On cigarette papers or wrappers or any papers made or prepared for the purpose of making cigarettes made up in packages, books or sets; on each such package, book or set containing not more than fifty papers, one-half cent; containing more than fifty papers but not more than one hundred papers, one cent; containing more than one hundred papers, one-half cent for each fifty papers or major fractional part thereof.

Class D. On tubes, one cent for each fifty tubes or major fractional part thereof.

All cigarettes sold in this State under the provisions of this Act shall be put up in packages containing 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, or 100 cigarettes each. Before being delivered to the consumer each package of cigarettes and each package, book or set of papers or of tubes, shall have securely affixed thereto a suitable stamp denoting the tax thereon, and said stamp shall be properly cancelled prior to such sale or removal for consumption, under such regulations as the State Treasurer shall prescribe.

For any violation of any of the foregoing provisions of this section, the offender, upon conviction thereof, shall be fined not less than \$100 nor more than \$300 and costs of prosecution, and be committed to the county jail until such fine is paid, but not exceeding six months; and all cigarettes, cigarette papers or wrappers, and papers made or prepared for the purpose of making cigarettes in his possession or in his place shall be confiscated and forfeited to the State.

It shall be unlawful for any person not authorized hereby with intent to defraud the state to make, alter, forge, or counterfeit any license or stamp provided for in this act or have in possession any forged, counterfeited, spurious or altered license or stamp, knowing the same to be forged, counterfeited, spurious or altered, and whoever is found guilty of any violation of this provision shall be fined not more than \$1000.00 and be imprisoned in the State Penitentiary not more than three years.

§ 6. The State Auditor shall prepare and have suitable stamps for use on each kind of package prescribed in Section 5 of this Act. Upon requisition from the State Treasurer, the State Auditor shall deliver to his order the stamps designated in such requisition, and shall charge the Treasurer of the State with the stamps thus delivered, and shall keep an accurate record of all stamps coming into and leaving his hands. The State Treasurer shall sell the stamps herein provided for only to dealers holding permits issued as provided in

this Act, and the moneys received from the sale of said stamps shall be turned into the general fund of the State.

§ 7. In the enforcement of this Act, the Attorney General may call to his assistance any State's Attorney or any peace officer. The State Treasurer and the Attorney General are hereby authorized to appoint such necessary additional help as may be necessary to carry out the provisions of this Act.

§ 8. Any person, firm or corporation violating any of the provisions of this Act, or maintaining a place where such cigarettes or cigarette papers are sold or kept with intent to sell in violation of the provisions of this Act, shall be deemed guilty of keeping and maintaining a nuisance, and the building or place so used for the sale or keeping for sale of cigarettes or cigarette papers, or wrappers in violation of the provisions of this Act shall be deemed to be a nuisance, and such person, firm or corporation shall be enjoined and such building or place abated as a nuisance, and the procedure for the actions to enjoin and abate such nuisance, or for contempt in violating an order of injunction, shall be, so far as applicable, the same as those now provided by the laws of this State for enjoining and abating intoxicating liquors.

§ 9. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after April first, A. D. 1925.

Approved February 17, 1925.

CORN SHOW

CHAPTER 108

(S. B. No. 65—Obert Olson.)

NORTH DAKOTA CORN SHOW

An Act To Establish the North Dakota State Corn Show and Making an Appropriation Therefor.

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

§ 1. For the purpose of promoting and improving the production of corn in the state of North Dakota, a North Dakota State Corn Show shall be held annually, at the City of Bismarck in the State of North Dakota, subject to the conditions hereinafter named ;