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## CRIMINAL PROCEDURE

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### CHAPTER 123

(H. B. No. 178—Carr & Starke.)

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#### BAIL

An Act To Amend and Re-enact Sections 11113, 11114 and 11115 of the Compiled Laws of North Dakota for the year 1913, Relating to Bail.  
*Be It Enacted by The Legislative Assembly of the State of North Dakota:*

§ 1. That Section 11113 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 11113. WHEN BAIL MUST BE TAKEN.] Bail by sufficient sureties shall be admitted upon all arrests in criminal actions when the offense is not murder in the first degree, and in such actions it may be taken by any competent court, magistrate or legally authorized officer.

§ 2. That Section 11114 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 11114. BAIL UPON CAPITAL CHARGE.] Bail by sufficient sureties may be admitted upon arrests in criminal actions when the offense is murder in the first degree unless the proof of guilt is evident or the presumption thereof great. In such actions it shall be taken only by the Supreme Court or a judge thereof, or by a district court or a judge thereof, and the taking thereof shall be discretionary, regard being had to the nature and circumstances of the offense and to the evidence and to the usages of law. The filing of an indictment or the filing of an information does not add to the strength of the proof or the presumption to be drawn therefrom. In case the action has been tried by a jury, and the jury have not agreed on a verdict, and had been discharged by reason of inability to agree, then the defendant shall be entitled to bail, unless it shall appear to the court or judge, by proof, that such disagreement was occasioned by the misconduct of the jury or the defendant or his counsel.

§ 3. That Section 11115 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows, to-wit:

§ 11115. BAIL ON APPEAL AFTER CONVICTION.] After a conviction of an offense not punishable with life imprisonment, a defendant who has appealed may be admitted to bail;

1. As a matter of right when the appeal is from a judgment imposing a fine only.
  2. As a matter of discretion in all other cases.
- Approved March 7th, 1925.

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CHAPTER 124

(H. B. No. 177—Starke and Carr.)

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TIME OF COMMENCING CRIMINAL ACTIONS

An Act To Amend and Re-enact Section 10523 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Time of Commencing Criminal Actions, and Providing Exceptions Therefor.

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

§ 1. AMENDMENT.] That Section 10523 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 10523. TIME OF DEFENDANT'S ABSENCE.] If when the crime or public offense is committed, the defendant is out of the state, or if the defendant is in the state when the crime is committed and subsequently leaves the state, the information may be filed, or the indictment found, within the time herein limited, after his coming within the state, and no time during which the defendant is not an inhabitant of, or usually resident within this state, is part of the limitation.

Approved March 7th, 1925.

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CHAPTER 125

(H. B. No. 179—Starke and Carr.)

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TIME FOR APPEAL TO SUPREME COURT IN CRIMINAL ACTIONS

An Act To Amend and Re-enact Section 10994 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Time for Appeal to the Supreme Court in Criminal Cases.

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

§ 1. That Section 10994 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 10994. TIME FOR APPEAL LIMITED.] An appeal from a judgment may be taken within six (6) months after its rendition and from an order within sixty (60) days after it is made.

Approved March 7th, 1925.

## CHAPTER 126

(H. B. No. 170—Starke and Carr.)

## STATEMENT OF CASE IN CRIMINAL PROCEEDINGS

An Act To Amend and Re-enact Section 10914 of the Compiled Laws of North Dakota for the year 1913, Relating to the Statement of the Case in Criminal Proceedings.

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

§ 1. That Section 10914 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 10914. The statement of the case shall be prepared and settled in the same manner as provided in Section 7655 of Compiled Laws of North Dakota for 1913.

Approved March 10, 1925.

## DAIRY PRODUCTS

## CHAPTER 127

(S. B. No. 134—Hamilton.)

## DISCRIMINATION DAIRY PRODUCTS

An Act To Amend and Re-enact Section 2846 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 104 of the Session Laws of North Dakota for the year 1917.

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

§ 1. AMENDMENT.] Section 2846 of the Compiled Laws of the State of North Dakota for the year 1913 as amended by Chapter 104 of the Session Laws of the State of North Dakota for the year 1917 is hereby amended and re-enacted so as to read as follows:

§ 2. ANNUAL REPORT OF CREAM STATION. PRICE DISCRIMINATION FORBIDDEN. DAIRY PRODUCTS.] The agent or person in charge of any cream station at which cream is purchased for shipment out of the state or for shipment from the place where purchased to a point within the State, shall on July 1st of each year or within thirty days thereafter report to the Dairy Commissioner the name, location and business of his employer, amount of capital stock invested in business, property or assets, liabilities and such other information pertaining to the business and conduct of the cream station of which such agent has charge, as shall be requested in writing by the Dairy Commissioner. Any person, partnership, firm, corporation or association engaged in the business of buying milk,