

cream or butterfat, who shall discriminate between different sections, localities, communities, villages or cities of this state by purchasing such commodity at a different price or rate in one locality than is paid for the same commodity by said person, partnership, firm, corporation or association in another locality or section of the state after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture, or place of destination, shall be deemed guilty of unfair discrimination and such acts are hereby declared to be unlawful, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or thirty days' imprisonment in the county jail, or both, for conviction of first offense and not less than two hundred fifty dollars, or ninety days' imprisonment in the county jail, or both, for each additional or subsequent offense.

Provided, however, that the purchase of such commodities at a different price or rate may be made at a particular section, locality, community, village or city, to meet legitimate competition in such section, locality, community, village or city, and legitimate competition as used herein is defined to be the meeting of a price or rate paid for the same commodity by a competitor located in the same section, locality, community, village or city and engaged in the same business under the same conditions and circumstances and operating in the same manner as the person, partnership, firm, corporation or association meeting said price. The meeting of this competition as herein defined shall not be a violation of this act.

Approved March 3rd, 1925.

DANCES

CHAPTER 128

(H. B. No. 239—Watt and Burkhart.)

REGULATING PUBLIC DANCES AND DANCING PLACES

An Act Defining Public Dancing Places, Public Dances, Providing for the Issuing of Permits to Operate the Same, Regulating Public Dances and Public Dancing Places, Providing for the Policing of Public Dances, Providing for Penalties for the Violation of this Act, and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

§ 1. DEFINITIONS.] A public dancing place, as the term is used in this act, shall be taken to mean a room, place or space open

to public patronage where dancing in which the public may participate is carried on and which admission may be had by the public by payment, either directly or indirectly, of an admission fee or token. A public dance, as the term is used in this act, shall be taken to mean any dance where the public may participate in payment, either directly or indirectly, of an admission fee or price for dancing, and shall include any manner of holding a dance which may be participated in by the public through the payment of money or other token, either directly or indirectly.

§ 2. PERMIT FOR PUBLIC DANCE.] It shall be unlawful for any person, firm, association or corporation to give, hold or conduct a public dance unless the owner or proprietor of the place where the dance is given, or the person, firm, association or corporation giving the same or in charge thereof, shall first have procured a permit to give, hold and conduct such public dance as hereinafter provided.

§ 3. WHO SHALL ISSUE PERMIT.] In all cities, villages and organized townships in this state, a permit must be procured from the governing body of the municipality or organized township. In unorganized townships the permits must be obtained from the county commissioners of the county in which such public dance is to be held or in which the public dancing place is located. Such permits may be issued for one or more public dances, or for a public dancing place for a period of not more than six months at any one time. When the permit is issued to any person, firm, association or corporation to conduct a public dancing place, public dances may be conducted in such place only by the person, firm, association or corporation to whom such permit is issued. Such permit shall not be transferable.

§ 4. MANNER OF OBTAINING PERMIT.] Any person, firm, association or corporation desiring to conduct a public dance or a public dancing place shall make application for a permit to do so to the governing body of the municipality or organized township in which such public dance or public dancing place is to be conducted, when the same is to be conducted within the limits of any city, village or organized township; and in all other cases, to the board of county commissioners of the county in which the same is to be conducted. The application shall set forth the name of the person, firm, association or corporation who is to give, hold or conduct the public dance or public dancing place, the time or period for which the permit is desired, and the place where such public dance is to be conducted or held. The governing body of the municipality, village or organized township to which such application is made shall make such inquiry and investigation as to the propriety of granting or refusing such permit as they may deem necessary; provided,

however, that no permit shall be granted except the same be approved by the state's attorney of the county wherein the public dance or public dancing place is to be held. The application may be acted upon at any regular meeting of the board to whom the application is made, or a special meeting called for that purpose. The governing body of the municipality, organized township or county to whom such application is made shall have the power to grant or deny said application and to provide a schedule of fees, rules and regulations not inconsistent with the provisions of this act, under which permits for holding such public dances or public dancing places will be granted. No permit shall be issued to any person who is not of good moral character nor to any person, firm, association or corporation to conduct a public dance or public dancing place at any place where the same is likely to become a public nuisance or detrimental to public morals.

§ 5. REGULATIONS.] No person, firm, association or corporation to whom a permit has been issued shall permit to be or remain in any public dance or in the vicinity of any public dancing place any intoxicated person, any prostitute or person of known immorality, nor shall any indecent or immodest dancing be permitted. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed or turned low is prohibited.

§ 6. OFFICER OF LAW TO BE IN ATTENDANCE.] It shall be the duty of the sheriff in any county in which any public dance is held outside of an incorporated city or village, and of the chief peace officer of the city or village where the dance is held within the limits of a city or village to police such dance so that law and order is there maintained; and the person, firm, association or corporation conducting any such dance are hereby required, before any such dance shall be held, to pay to such sheriff or peace officer the expense of any deputy sheriff or special officer required for the proper policing of such dance, and no such dance shall be permitted to proceed unless such officer is present and his fees paid. The holding of such dance without the giving of notice to the sheriff of the county or peace officer of the city or village and in making such provision of the police thereof is hereby declared to be a misdemeanor. No person, directly or indirectly interested or concerned in the giving, holding or conducting of such public dance, or connected with the person, firm association or corporation conducting same, shall be eligible to such appointment as such police officer.

§ 7. REMOVAL AND REVOCATION OF PERMIT.] The governing body or board issuing a permit hereunder may at any time revoke the same for violation of any of the provisions of this act, and shall revoke the same upon conviction of the person to whom the same

has been issued for a violation of any of the laws of this state. The governing body or board to whom application for permit is made or by whom a permit has been issued shall refuse to issue such permit, and shall revoke a permit already issued, where it appears that the place is or is likely to become a public nuisance or detrimental to public morals, or that the provisions of this act are being violated, or intoxicating liquor is being sold or given away or any of the laws of the state are being violated. The governing body or board to whom application is made or by whom permit has been issued shall refuse such application, and shall revoke such permit when it appears that such public dancing place is or will be conducted in a place or community contrary to the wishes of a majority of the people living in such neighborhood or community.

§ 8. POLICE OFFICERS.] The enforcement of the 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 provisions hereof, shall be subject to removal from office in manner by law provided.

§ 9. PENALTY.] Any person violating any of the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 nor more than \$100.00 and costs of prosecution, or imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

§ 10. REPEAL.] Only such acts or parts of acts which are clearly inconsistent with this act are repealed; it being the intention of this act that this act shall be in addition to and supplemental to already existing laws upon the same subject; and shall in no way interfere with the regulatory authority of the Attorney General over dances and dance halls under the provisions of Chapter 84, Session Laws of 1921 and amendments thereof.

§ 11. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 129

(H. B. No. 246—Burkhart and Watt.)

SUNDAY DANCES

An Act Amending and Re-enacting Chapter 297 of the Session Laws of North Dakota for 1923, Being an Act to Prohibit the Keeping Open, Running or Permitting the Running or use of any Place for Public Dances on the First Day of the Week, Commonly Called the Sabbath, and Prohibiting the Same Prior to Sunrise on Monday Morning, and Providing a Penalty Therefor.

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

§ 1. AMENDMENT.] Section 1 of Chapter 297 of the Session Laws of North Dakota for 1923 is hereby amended and re-enacted to read as follows:

§ 1. It shall be unlawful to keep open or to run or to permit the running of any place or to permit the use of any place for public dancing between the hours of twelve midnight on Saturday and sunrise the following Monday morning. Any person, firm, association or corporation violating the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in force and effect from and after its passage and approval.

Approved March 10, 1925.

DRAINS

CHAPTER 130

(S. B. No. 92—Van Camp.)

REPAIRING AND KEEPING OPEN OF DRAINS

An Act To Amend and Re-enact Section 2486 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to Drain Kept Open and in Repair. Cost of.

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

§ 1 AMENDMENT.] That Section 2486 of the Compiled Laws of the State of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows: