

of said defendant within the State, or service may be made in any other manner designated by law.

In any action the remedies of garnishment or attachment, or both, shall be available, and no exemptions except absolute exemptions shall be allowed against any levy under execution pursuant to judgment recovered in such action.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1931.

RESOLUTIONS

(Concurrent Resolution G—State Affairs Committee.)

APPRECIATION OF SYMPATHY AND CONDOLENCE EXPRESSED BY 22ND LEGISLATIVE ASSEMBLY STATE OF SOUTH DAKOTA

To the Senate and House of Representatives of the State of South Dakota, and to the Honorable O. K. Whitney, President of the Senate, and Honorable B. M. McVeigh, Speaker:

WHEREAS, Resolutions of sympathy and condolence have been received from the Twenty-second Legislative Assembly of the State of South Dakota, relative to the loss of our State Capitol building, which building prior to statehood was also the seat of government for Dakota Territory, comprising the area now making up our two sister states; and

WHEREAS, Many past memories were associated with this old state house, common to the people of both South Dakota and North Dakota; and

WHEREAS, These bonds of friendship evidenced throughout the past years in exceptional uniformity of law and co-operative effort; and

WHEREAS, Your said resolution further links us together in bonds of love and friendship;

NOW, THEREFORE, BE IT RESOLVED, That we express our sincere thanks and appreciation for the kindly sympathy extended, and are most pleased to inform the Twenty-second Legislative Assembly of the State of South Dakota that the loss sustained was reasonably well covered with insurance; and that with a fund heretofore provided, a new Capitol building entirely adequate to our needs can be constructed without additional levies or the issuance of bonds; also that the records, at first believed destroyed, were largely recovered, so that with the kind offer of your State to permit the taking of duplicates of territorial records, we will be enabled to entirely preserve these historic memories for the coming generations, for which offer and kindness we are sincerely grateful; and

BE IT FURTHER RESOLVED, That a certified copy of this Concurrent Resolution be forwarded to the Governor of the State of

South Dakota, the Secretary of State, President of the Senate, and Speaker of the House of Representatives.

Filed February 14, 1931.

(Joint Resolution—Introduced by Senator Frank Hyland and Duly Adopted by the Joint Assembly of the North Dakota Legislature on February 12th, 1931.)

21ST ANNIVERSARY BOY SCOUTS OF AMERICA

This week, when we commemorate the one hundred twenty-second anniversary of the birth of Abraham Lincoln, we also commemorate the twenty-first anniversary of the founding of the Boy Scouts of America.

I move you, Mr. President, that this joint Assembly extend to the Boy Scouts of America its hearty congratulations upon having arrived at the age of majority; that North Dakota welcomes among its citizens of tomorrow those who now are members of the various Scout troops throughout this Commonwealth; I move you further that the presiding officers of the Senate and House of Representatives be charged with the duty of conveying these sentiments to the proper officers of the Boy Scouts of America in a document to be signed by the Governor, by the presiding officers of the Senate and House of Representatives, and by the Secretary of State, and that the Great Seal of the State of North Dakota be affixed thereto.

Filed February 19, 1931.

(Concurrent Resolution I.9—Craig.)

BUDGET

WHEREAS, It is the opinion of the members of this House that catalogs and budget reports from the various institutions of the state will be much easier to intelligently consider if items are uniform; and

WHEREAS, Many of these catalogs and reports fail to give complete data;

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That all budget requests and budget reports be made to contain an itemized statement of deductions under "Interest and Income Deducted" showing amounts and sources from which obtained, as their estimate of total deductions for the coming biennium, together with the figures upon which these estimates are based; and

BE IT FURTHER RESOLVED, That in the case of educational institutions the following items be listed in each and every case:

1. Enrollment of individual students by curricula.
2. A statement of actual individual resident attendance for each year, by terms, of those taking special courses.

3. A statement of average individual resident attendance for the biennium.

4. A statement of average individual resident attendance for the preceding biennium.

Filed March 4th, 1931.

(Concurrent Resolution J.10—Burns, Hausmann, Aljets, Timm.)

CONVICT LABOR

A Concurrent Resolution relating to the use of Convict Labor by the State of North Dakota by the Board of Administration and the Warden and Superintendent of Penal Institutions.

Be It Resolved by the House of Representatives, the Senate Concurring:

WHEREAS, It appears that there is no well defined policy on the part of the State Board of Administration, the Warden of the State Penitentiary and the Superintendent of the State Training School with respect to the use of convict labor in or outside of the State Penitentiary and the State Training School;

NOW, THEREFORE, BE IT RESOLVED By the House of Representatives of the State of North Dakota, the Senate concurring, that the Board of Administration, the Warden of the State Penitentiary, the Superintendent of the State Training School are hereby requested not to permit, authorize or require, except in case of emergency, any inmate of the institution of which he or they have control to engage in any form of labor outside of the said institution of which he or they are inmates, which work or labor, by reason of its nature, deprives a person, not an inmate of such institution, of employment, or which would be in competition with persons working for wages; provided, however, that nothing in this resolution shall be construed as being opposed to the inmates of the Penitentiary at Bismarck, and the State Training School of Mandan from engaging in any work outside of said institution, which work is connected with and is for the benefit of such institutions or constitutes a part of the maintenance or upkeep thereof; or from engaging in any upkeep work on the grounds of the State Capitol.

Filed March 4, 1931.

(Senate Resolution C—Hamilton and Atkins.)

URGING PASSAGE OF FARMERS RELIEF BILL

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That:

WHEREAS, During the World War and at the time that the price-fixing act of Congress became effective and was put in operation No. 1 Northern wheat was selling as high as \$3.49 per bushel

in Minneapolis, and other agricultural products were selling accordingly; and

WHEREAS, The minimum price of \$2.17 per bushel for No. 1 Northern wheat at Minneapolis fixed by Congress, was in fact made the maximum price; and

WHEREAS, During this time No. 1 Northern wheat was selling at an average price of \$4.41 per bushel in the allied governments; and

WHEREAS, During the War the price on all other commodities used by the farmer in connection with agriculture, together with freight and transportation rates, were increased by leaps and bounds, and these prices were for a long time, and many of them still are maintained on such commodities, and especially is it true of freight and transportation rates; and

WHEREAS, A large part of the agricultural indebtedness was created during the time that the price of agricultural products was considerably higher than at present, and then during the period of inflation of our currency; and

WHEREAS, The farmer during the period of deflation was made the shock-absorber, so that now it takes approximately 6,220 bushels of wheat to pay an indebtedness that could have been paid with 1,000 bushels prior to the price fixing and the deflation periods; and

WHEREAS, As a result of these conditions thousands and hundreds of thousands of once prosperous farmers in this state and nation have lost their homes and their all by mortgage foreclosures; and

WHEREAS, The price of agricultural products during the present year have in fact been below the cost of production; and

WHEREAS, There is no adequate way of refinancing existing agricultural indebtedness and the farmers are at the mercy of their mortgagees and creditors throughout this state and nation; and

WHEREAS, Unless immediate relief is given thousands and hundreds of thousands additional farmers will lose their farms and their homes and millions more will be forced into our cities and villages, and the army of unemployed will necessarily increase to alarming proportions;

NOW THEREFORE, The Legislative Assembly of the State of North Dakota respectfully petitions the Congress of the United States of America to pass Senate Bill 5109 known as the "Farmers Farm Relief Bill" in order that the agricultural indebtedness of this state and nation may be speedily liquidated and refinanced and agriculture saved from utter ruin and destruction.

The farmers ask for no charity—they simply ask "that American Agriculture be placed on a basis of equality with other industries." They ask that the Federal Reserve system be made to function for them, as it is functioning for other industries. Since the Federal Reserve Bank is now loaning Federal Reserve notes to New York banks at 2% interest—and since our government refinanced the foreign nations to the extent of fifteen billion dollars

at less than 2% interest—we feel that this bill asks nothing but simply justice and a square deal for Agriculture. As a nation we have protected industries by tariff laws for generations, and we feel that the farmer is now entitled to first consideration at the hands of Congress.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be printed and the Secretary of the State requested to mail a copy to the President of the United States and the President of the Senate of the United States, with the request that the resolution be read from the desk, and a copy to the Speaker of the House of Representatives of the United States, with the request that the resolution be read from the desk; and a copy to the Governor of all of the states in this Union, and a copy to the president of the Senate of all of the states in the Union, with the request that it be read from the desk, also a copy to be mailed to the Speaker of the House of Representatives of all of the states in this Union, with the request that it be read from the desk.

Filed February 17, 1931.

(Concurrent Resolution L.12—Smith and Swett.)

GREAT LAKES-ST. LAWRENCE WATERWAY

WHEREAS, Economic authorities in the United States and Canada, acting officially both as Joint Commissions and severally, have repeatedly and unanimously declared that enlarging the connecting channels of the Great Lakes and St. Lawrence River to admit uninterrupted movement by ocean steamers from and into the Great Lakes, is economically sound and necessary to raise the competitive position, establish equality, permit future development and effect the return of prosperity to the vast continental areas of both countris, and

WHEREAS, During the past five years diplomatic correspondence has brought the two nations into agreement on the assignment of tasks and division of costs, said correspondance having allocated to the United States the construction and cost of all improvements in international waters—which includes the deepening to 27 feet of the connecting channels of the upper Great Lakes, a new lock at the Soo corresponding in dimensions to the locks in the New Welland Ship Canal and the improvement of the international stretch of the St. Lawrence River from Lake Ontario to the 45th parallel (opposite Cornwall), where the river ceases to form the boundary line between the two countries, and allocating to Canada the completion of the New Welland Ship Canal and the improvement of the river from the 45th parallel aforesaid to the sea, and

WHEREAS, Approximately one-half of the tasks assigned to each Government has either been completed, is in process of completion or already authorized by one or other of the two Governments, and approximately one-half of the total cost of the through

Seaway has either been expended, in process of being expended or involved in authorizations already made, all of which has been carried out and is capable of being completed without any treaty, and

WHEREAS, Engineering authorities in Canada and the United States, acting officially both as Joint Boards and severally, have agreed upon engineering plans and costs and unanimously declared that the International Rapids (48 miles) of the St. Lawrence River, extending from Ogdensburg to the International Boundary must, for economic reasons, be developed for navigation and power jointly by the United States and Canada, and

WHEREAS, The State of New York, with the clear intent of delaying or obviating the completion of a through Seaway, via the St. Lawrence, and advancing a deep water route across the State of New York by way of the Erie and Oswego Barge Canals, has caused to be prepared engineering plans, which if permitted to be carried out, will under the most favorable conditions postpone navigation development for many years, and in the meantime afford New York opportunity to transfer its barge canals to the Federal Government, and embark the Government upon the staggering expense of deepening or widening them for the passage of lake ships down to the port of New York for transfer to the ocean carrier, but not admitting the ocean ship to the Great Lakes, thus denying to mid-continental areas direct access to the sea, and

WHEREAS, No development of this International Rapids section of the St. Lawrence River can be undertaken by either country or any agency in either country without an agreement or treaty appropriate thereto having first been entered into between Canada and the United States, and

WHEREAS, The landlocked interior of the United States is deeply concerned and in emergent need of the relief which would accrue to that area by the opening of such Seaway and the citizens of New York State also are directly interested in the improvement and early utilization of the large reservoir of cheap power which would be made available by such joint development, and

WHEREAS, The need exists for a plan that will effect the development of this section of the river for navigation and power at the earliest possible date, by employing the most practical, the most expeditious and best agency or agencies for that purpose,

THEREFORE, BE IT RESOLVED, By the House of Representatives, the Senate concurring, that the President of the United States be and is hereby memorialized to proceed to a treaty with Canada for the development of the aforesaid International Rapids section of the St. Lawrence River at the earliest possible date and in accordance with the plans agreed upon by the International Joint Board of Engineers, or such amendment to or changes in said plans as may be subsequently adopted by such Joint Board, and

BE IT FURTHER RESOLVED, That the Congress of the United States be and is hereby memorialized to enact the necessary pre-

liminary legislation declaring all lands and the entire flow of the St. Lawrence River, extending from the shore to the international boundary line in the river, from Lake Ontario to the 45th parallel, where the river ceases to form the boundary between the nations, necessary for the purposes of navigation of said waters and the waters connected therewith, and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President of the United States and to the Senate and House of Representatives of the United States.

Filed March 4, 1931.

(Senate Resolution D—Stucke.)

URGING PASSAGE OF SENATE JOINT RESOLUTION 226 AND
HOUSE JOINT RESOLUTION 454

Be It Resolved by the Senate of the State of North Dakota, That:

WHEREAS, The United States Court of Claims in Docket numbered B-449 entitled "The Indians of the Fort Berthold Indian Reservation in the State of North Dakota, comprising the tribes known as the Arickarees, the Gros Ventres, and the Mandans, and the individual members thereof, versus The United States," has rendered final judgment in favor of the Fort Berthold Indians in the State of North Dakota, and

WHEREAS, The Hon. Lynn J. Frazier, United States Senator from the State of North Dakota, has introduced in the 71st Congress, Joint Resolution 226 which provides for the authorization of the Secretary of the Interior to distribute the amount awarded the said Fort Berthold Indians in the Judgment rendered by the Court of Claims of the United States, and

WHEREAS, The Hon. J. H. Sinclair, representing the Third Congressional District of the State of North Dakota, has introduced in the House of Representatives of the United States, Joint Resolution 454, dealing with the same subject, and

WHEREAS, We deem it for the best interests of the Indians of the Fort Berthold Indian Reservation of the State of North Dakota that the Secretary of the Interior of the United States do withdraw from the Treasury of the United States, funds on deposit arising from the said final judgments in accordance with the said joint resolutions;

THREERFORE, BE IT HEREBY RESOLVED, By the Senate of the State of North Dakota, that we most respectfully urge upon *The Congress of the United States*, the early enactment of Senate Joint Resolution 226 and House Joint Resolution 454.

AND BE IT FURTHER RESOLVED, That the Secretary of State of the State of North Dakota, be and is hereby authorized and instructed to forward a duly authenticated copy of this resolution to the President of the United States Senate, the Speaker of the House

of Representatives, and to each Senator and Representative in Congress from the State of North Dakota.

Filed February 10, 1931.

Concurrent Resolution D.4—Committee on House State Affairs.)

COLORING OF OLEOMARGARINE BY USE OF PALM OIL

WHEREAS, Under a ruling of the United States Commissioner of Internal Revenue, palm oil may now be used in the manufacture of oleomargarine to give it the color of butter without making such product subject to the tax on colored oleomargarine; and

WHEREAS, This practically nullifies the protection which the dairymen of this country have enjoyed since 1902 in the law taxing colored oleomargarine ten cents per pound; and

WHEREAS, The effect of this ruling has been to greatly increase the manufacture and sale of oleomargarine and similar butter substitutes despite the present very low price of butter; and

WHEREAS, The coloring of oleomargarine to resemble butter constitutes a fraud upon the consuming public of the country;

THEREFORE, BE IT RESOLVED, By the House of Representatives, the Senate concurring:

That the Twenty-second Legislative Assembly of the State of North Dakota hereby protests against the ruling permitting oleomargarine and similar butter substitutes to be colored like butter through the use of palm oil without making these products subject to the ten cent tax on colored oleomargarine, and respectfully requests the United States Commissioner of Internal Revenue to reverse his ruling, in the interests of the great dairy industry of this country and fair dealing with consumers.

BE IT FURTHER RESOLVED, That in the event that the United States Commissioner of Internal Revenue shall not promptly reverse his ruling allowing palm oil to be used in the manufacture of oleomargarine and similar butter substitutes without making the product subject to the tax on colored oleomargarine, the Congress of the United States is respectfully requested to enact legislation either prohibiting the use of palm oil in the manufacture of oleomargarine or making any product manufactured with palm oil subject to the tax on colored oleomargarine.

BE IT FURTHER RESOLVED, That properly attested copies of this resolution be transmitted to the Commissioner of Internal Revenue, the Secretary of the Treasury, the presiding officers of both Houses of the Congress of the United States, and to each North Dakota member thereof.

Filed March 2, 1931.

(Senate Resolution H—Ployhar.)

OPPOSING EMBARGO ON CRUDE PETROLEUM, ETC.

Resolution memorializing the Congress of the United States to refrain from enacting a law placing a tariff or embargo on crude petroleum and the refined products thereof.

WHEREAS, Certain oil producers from the petroleum producing states are urging the Congress of the United States to enact a law placing a tariff or an embargo on petroleum and its refined products, claiming that such a measure is necessary as a relief measure to the petroleum producing industries in these states, and,

WHEREAS, Such a tax would place an additional burden on a product already heavily taxed by excise and sale taxes, in addition to general property and production taxes, and,

WHEREAS, The tariff as proposed would place an additional burden of over three hundred fifty million dollars (\$350,000,000) on said product which must be borne and paid by all owners of automobiles, trucks and farm tractors, by increasing the selling price of gasoline and kerosene from one to five cents per gallon, and such tariff would benefit but comparatively few citizens, and,

WHEREAS, Only four or five states of the United States produce oil to any considerable extent, and only a few of the citizens of such states, comprising but a small proportion of the population of the United States, would benefit thereby, and,

WHEREAS, Petroleum and its refined products are necessary in order to carry on farming, trade and commerce, and,

WHEREAS, The condition as now exists in the petroleum industry is only temporary and no more serious than conditions existing in other classes of business, and,

WHEREAS, It has been a well settled policy for the past decade, both by petroleum producers and the government, to conserve our petroleum deposits, and,

WHEREAS, An embargo or tariff would result in hastening the depletion of our petroleum deposits,

BE IT RESOLVED, By the Senate of the State of North Dakota, that the Congress of the United States be memorialized to refrain from enacting any laws imposing a tariff or embargo on petroleum products, or the refined products thereof, and,

BE IT FURTHER RESOLVED, That the Secretary of State be instructed to forward duly authenticated copies of this Resolution to both United States Senators from the State of North Dakota at Washington, and the members of the House of Representatives from the State of North Dakota, to the President of the Senate of the United States, to the Speaker of the House of Representatives at Washington, and to the President of the United States.

Filed February 14, 1931.

(Concurrent Resolution M.13—Van Berkomp.)

LEGISLATIVE ROLL CALL SYSTEMS

Electric or automatic roll call systems for Legislative Chambers in new Capitol Building.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

THAT, WHEREAS, This Twenty-second Legislative Assembly of the State of North Dakota has authorized the construction of a new Capitol Building to replace that recently destroyed by fire, and this Assembly has by law created a Board of Capitol Commissioners to erect and complete such structure; and

WHEREAS, This Legislative Assembly has had exhibited to it one of the several electrically operated roll call systems now upon the market;

THEREFORE, This Assembly hereby suggests to such Board of Capitol Commissioners to be hereafter appointed, that it investigate the several systems of electric or automatic roll calls, for the purpose of determining whether one of the same should not be installed in the House and in the Senate of the Capitol Building to be by them erected; or whether such building should not as constructed, be wired for the future installment of some automatic or electrically operated roll call system for both the Senate and the House.

Filed March 10, 1931.

(Concurrent Resolution B.2—Holte and Erickson of Kidder.)

**CONVERSION WORLD WAR VETERANS ADJUSTED
COMPENSATION CERTIFICATES**

Requesting the Congress of the United States to enact legislation to provide for the immediate conversion into cash of World War Veterans' Adjusted Compensation Certificates.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, A general economic depression producing a depreciation in the value of all commodities, a stagnation of business, an aggravated condition of unemployment and serious individual suffering, now exists in the State of North Dakota and throughout the whole nation; and,

WHEREAS, There are now pending before the Congress of the United States certain measures, the purpose of which is to alleviate in some degree the existing distressing conditions, by providing for the immediate conversion into cash of World War Veterans' Adjusted Compensation Certificates; and,

WHEREAS, The American Legion, Department of North Dakota, has just completed a poll among the twenty thousand World War veterans resident in this state which conclusively demonstrates that such veterans almost unanimously favor the enactment by the Congress of the measure providing for the immediate payment, upon

application, of the full face value of such Adjusted Compensation Certificates; and,

WHEREAS, The passage of such legislation would bring immediate relief to thousands of veterans and their dependents who are now in need, create new markets, instill new life into American business, and be a well deserved demonstration of the gratitude of the nation to those who carried its arms in 1917 and 1918;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of North Dakota, the Senate concurring, most respectfully urge upon the Congress of the United States, the early enactment of legislation providing for the immediate payment, upon application, of the full face value of such Adjusted Compensation Certificates.

AND BE IT FURTHER RESOLVED, That the Secretary of State of the State of North Dakota be and is hereby instructed to forward a duly authenticated copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives and to each Representative of the State of North Dakota in the United States Senate and House of Representatives.

Filed February 14, 1931.

VETOES

(S. B. No. 185—Renauld.)

COLLECTION DELINQUENT PERSONAL PROPERTY TAXES

An Act to amend and re-enact Section 2173 of the Compiled Laws of North Dakota for the year 1913 authorizing the Board of County Commissioners to contract with the Sheriff to pay him for the collection of personal property taxes that have been delinquent for more than one year a percentage of such personal property taxes in lieu of mileage, providing for the appointment of special deputy sheriffs for the collecting of such taxes, providing for the publication of such contract with the Sheriff.

V E T O

March 14, 1931.

To the Honorable Secretary of State:

I return herewith Senate Bill No. 185 without my approval for the following reasons:

The present law, which this bill amends (Section 2173, C. L. 1913), authorizes the Board of County Commissioners to contract with the Sheriff to collect delinquent personal property taxes on a percentage basis in lieu of, or in addition to his compensation provided by law. Senate Bill No. 185 would amend this statute to provide that any Sheriff who has received such contract, may employ one or more special deputies to collect such personal property taxes and be paid for his services under the percentage contract held by