

contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial, or memorials, or other suitable recognition shall be erected within the county at a place determined upon by such board and such memorial, or memorials, or recognition when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both of such funds. Provided, further, that where funds have been heretofore raised by tax levy for such memorial or memorials, and the funds so raised are unexpended, the board of county commissioners may at any time after September 1, 1937, by resolution transfer any such unexpended funds to the general fund of the county.

§ 2. The board of county commissioners in any county of this state in which a fund has been or may be created for the erection of a war memorial or memorials, may combine such war memorial fund with other funds of the county for the purpose of erecting a memorial court house.

Approved March 5, 1935.

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## CRIMES AND PUNISHMENTS

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### CHAPTER 125

H. B. No. 133—(Anfinson)

#### ADDITIONAL DUTIES ATTORNEY GENERAL

An Act authorizing judges of the District Court to demand the Attorney General to perform certain duties relating to criminal matters, providing for payment of expenses in connection therewith, and repealing all acts or parts of acts in conflict herewith.

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

§ 1. ADDITIONAL DUTIES OF ATTORNEY GENERAL. PAYMENT OF EXPENSES.] Upon the written demand of a judge of the district court, with or without the consent and approval of the state's attorney of the county wherein such duties are to be performed, the Attorney General, either personally or through his assistants, shall be required to make a full and complete investigation of any criminal matter or complaint referred to in said demand, and to take full charge of and conduct any criminal prosecution in any county within the district of said district judge to the same effect and with like power and authority that the duly elected state's attorney of that county could. All expenses, including mileage as now provided

by law for state officers, and disbursements for subsistence while performing those duties incurred by the Attorney General shall be paid and allowed by the county in which the said duties were performed in the same manner that claims against the county are allowed and paid, after an itemized statement thereof has been approved by the judge who requested that the same be performed.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 14, 1935.

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## CHAPTER 126

S. B. No. 245—(Committee on Judiciary)

**VENUE CRIMES AGAINST AIRCRAFT AND UPON TRAINS, ETC.**  
An Act to fix the venue of crimes committed in or against aircraft in flight, and upon trains or other vehicles.

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

§ 1. VENUE OF OFFENSE IN OR AGAINST AIRCRAFT.] Any person who commits an offense in or against any aircraft while it is in flight over this state may be tried in any county in this state.

§ 2. VENUE OF OFFENSES COMMITTED ON RAILROAD TRAIN OR OTHER VEHICLE.] Where an offense is committed on a railroad train or other public vehicle while in the course of a trip the trial may be in any county through which such train or other public vehicle passed during such trip.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1935.

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## CHAPTER 127

S. B. No. 110—(Committee on Judiciary)

### DRAINAGE OF MEANDERED LAKE.

An Act declaring the drainage of a meandered lake within the State of North Dakota to be a misdemeanor and providing penalties therefor.

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

§ 1. Every person who shall drain or cause to be drained, or shall attempt to drain in any manner any lake or pond, which shall have been meandered and its metes and bounds established by the government of the United States in the survey of public lands,

shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding ninety days or by a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment in the discretion of the court.

Approved February 27, 1935.

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## CHAPTER 128

S. B. No. 283—(Women's and Children's Welfare Committee)

### PLACING CHILD IN ALMSHOUSE, ETC., UNLAWFUL, WHEN.

An Act to amend and re-enact Section 9606a1 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, declaring it unlawful to place certain children in almshouses or other institutions without the consent of the Board of Administration, with certain exceptions, prohibiting placing of certain children in the State Training School, and repealing all acts in conflict therewith.

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

§ 1. AMENDMENT.] That Section 9606a1 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 9606a1. UNLAWFULNESS OF.] It shall be unlawful for any person, association, corporation, institution, or agency to place any child in any almshouse in this state, or in any other institution, charitable, penal or reformatory, in which delinquent children, or children charged with delinquency are kept, without the consent of the State Board of Administration; provided, however, that a child may be permitted to remain in an almshouse with his or her parent, or parents, who may be confined therein, if the consent of the State Board of Administration be first obtained, and no child under the age of twelve years shall be committed to the State Training School.

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

Approved March 7, 1935.

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## CHAPTER 129

H. B. No. 116—(Bjerke)

### DEFINING RIOT.

An Act to amend and re-enact Section 9807 of the Compiled Laws of North Dakota 1913; defining riot.

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

§ 1. AMENDMENT.] That Section 9807 of the Compiled Laws

of North Dakota 1913 be amended and re-enacted to read as follows:

§ 9807. RIOT DEFINED.] Any use of force or violence, or any threat to use force or violence, if accompanied by immediate power of execution, by six or more persons acting together and without authority of law, is riot.

Approved March 13, 1935.

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## DANCES

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### CHAPTER 130

S. B. No. 12—(Whelan)

#### PROHIBITING MARATHON DANCES, WALKATHONS, SKATATHONS, ETC.

An Act to prohibit Marathon dances, Walkathons, Skatathons, or any endurance contest and providing penalties for any person, firm, or corporation participating in, attending or promoting such contest, and declaring an emergency.

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

§ 1. It shall be unlawful for any person or persons, firm, or corporation, to advertise, operate, maintain, attend, participate in, promote or aid in the advertising, operating, maintaining or promoting any mental or physical endurance contest, exhibition, performance, or show, in the nature of a "marathon," "walkathon," "skatathon," or any other such endurance contest, exhibition, performance or show of a like or similar nature, whether or not an admission is charged and/or a price is or is not to be awarded to one or more participants for participation therein, continuing or intended to continue for a period of more than four (4) consecutive hours in any twenty-four (24) hours.

§ 2. Any person or persons, firm or corporation, participating in, attending, promoting, advertising, operating, maintaining, or aiding any such contest, exhibition, performance or show, and violating any of the provisions of this act, shall be guilty of a misdemeanor and punished by imprisonment in the county jail, for not less than six (6) months or more than twelve (12) months, or by a fine of not more than one thousand dollars (\$1,000.00) or by both.

§ 3. EMERGENCY.] An emergency is hereby declared to exist and this bill shall be in full force and effect from and after its passage and approval.

Approved February 6, 1935.