

the treasurer of such taxing district, when such warrant is presented to him for payment, if not paid for want of funds shall endorse the same "Presented for payment this-----day of-----19---- and not paid for want of funds", and thereupon enter such warrant in his warrant register in the order of presentation for registration.

That the governing body of any such taxing district, authorizing the issuance of warrants in excess of cash on hand shall determine the rate of interest which such warrants shall bear, provided that the rate of interest shall not exceed five percent per annum from the date of registration until the expiration of the time specified for presentment for payment.

That whenever any treasurer of such taxing district shall have received money belonging to any particular fund, sufficient to pay the warrants drawn against such fund, such treasurer shall immediately notify by mail, the person in whose name such warrant is registered or his assignee, if notified of the assignment, that unless such warrant is presented for payment on or before the date specified in such notice, the interest upon such warrant shall immediately cease after such date.

That all warrants so registered shall be paid in the order of their registration.

§ 2. EMERGENCY.] That an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1941.

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## CRIME

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### CHAPTER 141

H. B. No. 130—(Shure, Beede, and Aker)  
(Special Committee on Code Revision.)

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#### PUNISHMENT FOR BURGLARY

An Act to Amend and Re-enact Section 9876 of the 1913 Compiled Laws of North Dakota relating to Punishment for Burglary.

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

§ 1. AMENDMENT.] That Section 9876 of the 1913 Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 9876. PUNISHMENT FOR BURGLARY.] Burglary is punish-

able by imprisonment as follows: burglary in the first, second, third, and fourth degrees by imprisonment in the State Penitentiary for not less than one year nor more than ten years.

Approved February 24, 1941.

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## CHAPTER 142

S. B. No. 114—(Morgan of Richland)

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### PRAIRIE FIRES FORBIDDEN

An Act to Amend and reenact Article 29, Section 2791 of the 1913 Compiled Laws.

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

§ 1. PRAIRIE FIRES FORBIDDEN.] If any person shall set or cause to be set on fire any woods, marsh, or prairie, or any grass or stubble lands, except as hereinafter provided, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten nor more than one thousand dollars, or be imprisoned in the county jail for a period not exceeding six months, or both, at the discretion of the court, and shall also be liable in a civil action to any person damaged by such fire to amount of such damage.

Approved March 12, 1941.

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## CHAPTER 143

H. B. No. 199—(Johnson of Richland)

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### OPERATION OF MOTOR VEHICLE WITHOUT CONSENT OF OWNER

An Act to Provide Punishment for the Taking and Operating of an Automobile or other Motor Vehicle, or Causing the Same to be Taken and Operated Without the Consent of the Owner.

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

§ 1. No person shall drive, operate or use a motor vehicle without the permission of the owner or of his agent in charge or in control thereof. Any person so doing shall be guilty of a misdemeanor and punished by fine not to exceed five hundred dollars (\$500.00), or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment in the discretion of the court.

Approved March 14, 1941.

## CHAPTER 144

H. B. No. 116—(Allen and Tuff by Request)

CONFISCATION OF VEHICLES USED IN COMMISSION  
OF FELONY

An Act Authorizing the seizure and confiscation of vehicles or other conveyances used in the commission of a felony, in the furtherance of the Commission of a felony, in the escape from the scene of the commission of a felony, or in the transportation of property which is the subject matter of any felony; Providing for a proceeding to release such property; For the Sale and Method of Sale of Vehicle Confiscated; For the disposition of funds arising from sale; Declaring an Emergency.

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

§ 1. PEACE OFFICER MAY SEIZE ANY VEHICLE USED IN COMMISSION OF FELONY.] Any peace officer of this State may seize any vehicle or other means of transportation used in the commission of a felony, in the furtherance of the commission of a felony, in the escape from the scene of the commission of a felony, or in the transportation of property which is the subject matter of any felony, and may arrest any person in charge thereof, and proceed against any person arrested under the provisions of this act in any court having competent jurisdiction.

§ 2. RETURN OF CAR TO CLAIMANT.] If the committing magistrate on preliminary hearing shall find that the person owning such vehicle is innocent of all connection with the commission of the felony, the vehicle shall be returned to such owner. If claim to the vehicle is made by a person other than the one in the possession of whom it was found, and the officer is in doubt relative to such claim, the vehicle or conveyance taken by an officer under the provisions of this act shall be returned to such claimant thereof upon the execution by him of a bond in an amount equal to the value of the property, to be approved by said officer and conditioned for the return of said property to the officer on the day of the trial to abide the judgment of the court.

§ 3. COURT TO ORDER FORFEITURE OF VEHICLE.] The District Court, upon conviction of the person arrested, or upon his plea of guilty, or upon the failure of the officer after one month of effort, to locate or arrest the person who used such vehicle or other means of conveyance in connection with the commission of the felony, shall order the vehicle or other means of conveyance so confiscated to be forfeited.

§ 4. SUMMONS ON FORFEITURE; CONTENTS AND SERVICE.] The District Court shall require the State's attorney of the county in which the felony was committed to cause a summons to be issued

out of the District Court against all persons having any right, title or interest in the property seized. Such summons shall particularly describe the property and state that the same is held for forfeiture and sale under the provisions of this act and that in default of answer or claim filed within thirty days after the service of such summons, the court will enter its order forfeiting such property to the State of North Dakota. Such summons shall be served in the manner provided for the service of summons in a civil action. When the name of the owner of such property can be ascertained, such summons shall be served upon him personally or by registered mail.

§ 5. PROCEDURE AFTER SERVICE OF SUMMONS; SALE ON DEFAULT.] If no answer shall be filed or claim made within the time allowed by this act, the District Court shall enter its order forfeiting such property to the State of North Dakota, and requiring the sale of same in the manner provided for the sale of personal property on execution.

§ 6. RETURN OF PROPERTY AFTER HEARING; SALE TO SATISFY LIEN.] If an answer is filed or claim made, the District Court shall proceed to hear and determine the claim according to law. If at such hearing any claimant shall prove to the satisfaction of the Court that he is the owner of such property or has a valid and bona fide lien thereon duly filed or recorded prior to the time such vehicle was seized and that he had no knowledge of the use of such vehicle or conveyance for such unlawful purpose, the Court shall order such property to be surrendered to him, if the owner. If the claimant is a lien holder, the lien shall be foreclosed and the property sold, and the proceeds from such sale shall be applied in payment of the costs of such sale and the satisfaction of the lien or liens. The balance of such sum shall be deposited as hereinafter provided.

§ 7. ORDER OF SALE AFTER HEARING.] If the claimant or claimants shall fail to sustain their claims, the District Court shall enter its order for the forfeiture and sale of the property as hereinbefore provided in case of default.

§ 8. DISPOSITION OF PROCEEDS OF SALE.] After deducting the costs and expenses of a proceeding for sale under this act, the balance of all money received under the provisions of this act shall be paid to the treasurer of the county wherein the felony was committed, for the benefit of the state school fund.

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

Approved March 14, 1941.

## CHAPTER 145

H. B. No. 57—(Bergesen)

### PARDON BOARD MEETINGS

An Act to Amend and Re-enact Provisions of Section 11103 of Compiled Laws of the State of North Dakota for 1913, Relating to the Meetings of the State Pardon Board and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 11103 of the compiled laws of the State of North Dakota for 1913 be and is hereby amended and re-enacted to read as follows:

The board of pardons shall hold at least two regular meetings in each calendar year, and may hold such other special meetings at such times as it shall determine necessary for the proper performance of its official duties. Such regular meetings shall be held on the 15th day of March and the 10th day of August of each year at the State Penitentiary. All special meetings of the said board shall be held in the executive chamber at the state capitol, or in such other place as may be ordered by the said board.

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

Approved February 17, 1941.

## CHAPTER 146

H. B. No. 138—(Morrison, Kee, Juhola, Meyers and Olson of Barnes)

### PENALTY FOR USURY

An Act to Amend and Re-enact Chapter 235 of the 1919 Session Laws, Constituting Section 6076 of the 1925 Supplement.

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

§ 1. AMENDMENT.] Chapter 235 of the 1919 Session Laws, constituting Section 6076 of the 1925 Supplement is hereby amended and re-enacted to read as follows:

§ 6076. PENALTY FOR USURY.] The taking, receiving, reserving or charging a rate of interest greater than is allowed by the laws of this state relative to usury, shall be deemed a forfeiture of the entire interest which the note, bill or other evidence of debt carries with it, or which has been agreed to be paid thereon, and, in addition,

a forfeiture of 25 per cent of the principal thereof. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representative, may recover back, in an action for that purpose, twice the amount of interest thus paid, together with the 25 per cent of the principal from the person taking or receiving the same; provided, that such action is commenced within four years from the time the usurious transaction occurred, or may offset twice the amount of such interest against any indebtedness owing to the party or parties receiving such usurious interest. Any person, whether in his own individual right, or as the agent, servant, or representative of any individual, firm, corporation, or association, who shall take, receive, reserve or charge a usurious rate of interest, shall be guilty of a misdemeanor, and upon conviction thereof, shall be confined in the county jail not exceeding ninety days, or shall be fined not to exceed \$300.00, or may be punished by both such fine and imprisonment. The penal clause of this Act shall be deemed cumulative, and the civil action, in this section provided for, shall be in nowise altered or taken away by the criminal provisions herein.

Approved March 17, 1941.

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## DANCES

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### CHAPTER 147

H. B. No. 241—(Crockett, Belzer and Fitch)

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#### DEFINING A PUBLIC DANCING PLACE

An Act to Amend and Re-enact Section 3163a1, Compiled Laws of North Dakota, as Amended by Chapter 136 Session Laws of 1939, Defining a Public Dancing Place. Repeal.

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

§ 1. AMENDMENT.] That Section 3163a1 of the 1925 Supplement to the 1913 Compiled laws as amended by Chapter 136 of the Session Laws of 1939, be and the same are hereby amended and re-enacted to read as follows:

§ 3163a1. 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 to which an admission may or may not be charged. A public dance, as used in this act, shall be taken to