

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

mean any dance where the public may participate and whether or not admission is charged. Provided, however, that this act shall not apply to dances held, or conducted, in hotels having more than fifty guest rooms, when such dances are held by or conducted under the immediate control of the owner, operator or proprietor thereof.

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 All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 14, 1941.

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## ELECTIONS

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### CHAPTER 148

S. B. No. 60—(Fowler and Morgan of Walsh)

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#### ABSENT VOTERS

An Act to amend and reenact Chapter 107 of the Session Laws of North Dakota for 1933 and amending and reenacting Section 1004 of the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] Chapter 107 of the Session Laws of North Dakota for the year 1933 be amended and re-enacted to read as follows:

§ 992. ABSENT VOTER. WHO MAY VOTE.] Any qualified elector of this state, having complied with the laws in regard to registration, who is absent from the county in which he is an elector, or who by reason of physical disability, or who is in the Military or Naval service of the United States of America and, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot at any such election as hereinafter provided.

§ 993. APPLICATION FOR BALLOTS. MADE WHEN.] At any time within 30 days next preceeding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, or who by reason of physical disability, or who is in the Military or Naval service of the United States of America and, is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.