

LAWS

PASSED BY THE

SPECIAL SESSION

OF THE

Sixteenth Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF
SAID STATE, ON TUESDAY, THE TWENTY-
FIFTH DAY OF NOVEMBER, A. D. 1919, AND
CONCLUDING THURSDAY, DECEMBER
THE ELEVENTH, 1919

BISMARCK TRIBUNE COMPANY
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By THOMAS HALL
Secretary of State
of the State of North Dakota

AUTHENTICATION

STATE OF NORTH DAKOTA,

Secretary's Office, Bismarck.

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota, beginning November 25th, 1919, and terminating December 11th, 1919, now on file in this office, with the exception of clerical errors.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this sixteenth day of January, 1920.

(SEAL)

THOMAS HALL,
Secretary of State.

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THE LAWS

ADOPTION

CHAPTER 1.

[S. B. No. 35—Pendray.]

ADOPTION OF ADULTS.

An Act to Amend and Re-enact Section 4441 of the Compiled Laws of North Dakota for the Year 1913, and All Acts and Parts of Acts Amendatory Thereto.

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

§ 1. AMENDMENT.] Section 4441 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4441. ADOPTION OF MINORS AND ADULTS.] Any minor child or adult person may be adopted by any adult person in the cases and subject to the rules prescribed in this Chapter.

§ 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 9:35 p. m, December 11, 1919.

AMUSEMENTS

CHAPTER 2.

[H. B. No. 7—Committee on State Affairs.]

REGULATION OF AMUSEMENTS.

An Act to Amend and Re-enact Sections 2, 3, 4, 5 and 6 of Chapter 6 of the Session Laws of the State of North Dakota for the Year 1919, Relating to the Licensing and Inspection of Pool Halls, Billiard Rooms, Ball and Pin Alleys, Dance Halls, Theatres; Moving Picture Shows, Taxicab Stands and Places Where Soft Drinks Are Sold.

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

§ 1. That Section 2 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 2. LICENSE, HOW SECURED.] On or before July first of each year every such owner, proprietor or managing agent desiring to operate, conduct and maintain such place as mentioned in Section 1 of this Act, shall make an application for an annual license therefor to the State Sheriff, Licensing Department. Such application shall state the name of the owner, manager and proprietor of the place desired to be licensed, the nature and kind of business to be carried on; a general description of the building, its size, character, location and capacity; and shall particularly contain the description of the provisions made, to safeguard life and limb of persons who may be therein and the sanitary equipment thereof. It shall state that such will be operated; if licensed by the state, in accordance with the law of this state, that if a violation of the laws of this state occurs in the operation of such place, the State Sheriff shall be authorized to cancel the license issued. There shall also be contained a statement in the license that no immoral or improper practices, gambling, nor the sale or permission to drink upon said premises any intoxicating liquors will be allowed. This application shall be made upon a blank authorized and issued by the State Sheriff and such application shall be accompanied by the license fee hereinafter specifically prescribed.

§ 2. That Section 3 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 3. DUTIES OF THE STATE SHERIFF.] The State Sheriff shall prepare the form of such application, shall furnish the same upon request to any applicant and shall require every applicant to whom a license is granted to pay the fee prescribed. It shall examine into or cause to be examined into the qualifications of every applicant seeking to be licensed and the fitness and suitability of the place desired to be licensed and shall upon application filed and the payment of the license fee prescribed, issue the license herein mentioned for a period of one year to be conducted as public place of business for operating a pool hall, billiard room, ball alley or pin alley, theater, moving picture show, any place where soft drinks are sold, taxicab stands, or public hall, and shall cause such place to be inspected and the laws enforced thereon by inspectors appointed by it and shall furnish necessary office equipment and supplies and pay for the same out of the State Sheriff Inspector Fund.

§ 3. That Section 4 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 4. APPOINTMENT OF INSPECTORS.] The State Sheriff shall be authorized to appoint a state inspector, two deputy state inspectors and one stenographer, the latter also to be bookkeeper to aid him in carrying out the purposes of this Act, who shall hold office during the pleasure of the State Sheriff and such inspectors shall have charge of the Licensing Department herein described in the office of the State Sheriff and under the direction and control of the

State Sheriff and such license inspectors shall each receive a salary in the sum of \$2,500.00 a year and necessary expenses and shall give bond to the state in the sum of \$5,000.00, such bond to be issued in the state bonding fund, conditioned for the faithful performance of their duties and the fees therefor to be paid by the Licensing Department into such bonding fund and the stenographer shall receive \$1,200.00 a year. The said state inspectors shall possess all of the powers of a police officer anywhere in this state, shall have authority to visit and inspect any of the places herein mentioned and as police officer make arrests for violation of any laws of this state and shall be authorized to investigate and conduct investigations of any immoral or corrupt practices or violation of laws in this state and of places being conducted contrary to law or constitution of this state.

§ 4. That Section 5 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 5. REFUSAL OR REVOCATION OF LICENSE.] Said inspectors shall be authorized with the consent of the State Sheriff, after a hearing before said inspector, to refuse to issue a license to any person for any place where it appears that the applicant is an improper person to be so licensed or that the place is improperly provided with sanitary equipment or is an unsuitable building to protect the life and limbs of the public who may visit the same or that there exists unsuitable appliances to protect the public in case of fire and the state inspectors shall be authorized upon the violation of any of the laws of this state to revoke any license granted pursuant to the provisions of this Act, with the consent of the State Sheriff, after a hearing had before the inspector.

§ 5. That Section 6 of Chapter 6 of the Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 6. LICENSE FEE, HOW DISPOSED OF.] All license fees herein prescribed shall be paid to the state inspector under the direction and supervision of the State Sheriff and by it paid promptly to the State Treasurer who shall keep all such moneys in a special fund to be known as the State Sheriff Inspector License Fund. Out of this fund shall be paid all salaries and expenses of the State Sheriff incurred in carrying out, maintaining and enforcing the provisions of this Act, all of which shall be paid monthly upon warrant and voucher drawn and audited by the auditing board as now provided by law; provided, however, that such salary and expenses shall be payable only out of such fund and shall not be in excess thereof and provided further that on or before the fifth day of July in each year after the year 1919, the State Sheriff may apportion and pay to the treasurers of the several cities, villages and townships within or from the residents of which such license fees were collected, all moneys which remain on hand in said State Sheriff Licensing Department on July 1st of such year derived from licenses for the previous

license year, such payments to be prorated to such cities, villages and townships in the same proportion in which they were received. Such funds shall be used by such municipalities to defray expenses incurred in local regulation and supervision and in carrying out the duties now or hereafter enjoined upon them in such regard, including the keeping of the peace in the places which may be licensed under the provisions hereof.

REPEAL.] All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved 8:50 P. M. December 11, 1919.

APPROPRIATIONS

CHAPTER 3.

[S. B. No. 57—Drown.]

ALICE BIXBY.

An Act Appropriating the Sum of Five Thousand Dollars for the Relief of Alice Bixby.

WHEREAS, Alice Bixby while in the employ of the State at the Deaf and Dumb School at Devils Lake was, without fault on her part, injured on the 6th day of January, 1919, and

WHEREAS, by reason of such injury she has been deprived of her right arm, and

WHEREAS, she has two minor children dependent upon her for support, and

WHEREAS, there was no compensation provided by law at that time for injured workers employed by the State.

Therefore, be it Enacted by the Legislative Assembly of the State of North Dakota:

There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Five Thousand Dollars for the relief of Alice Bixby, which sum shall be payable as follows: The sum of Twenty-five Hundred Dollars as soon as there is any money available in the State Treasury therefor, and the balance of Twenty-five Hundred Dollars on the first day of January, 1921.

This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 9:20 P. M. December 11, 1919.

CHAPTER 4.

[S. B. No. 33—King.]

BRIDGES.

An Act to appropriate \$225,000.00 for the Purpose of Aiding in the Construction of a Bridge Across the Missouri River from Burleigh County to Morton County in the State of North Dakota, and the Further Sum of \$35,000.00 for the Construction of a Bridge Across the Red River at Pembina, Pembina County, and Kittson County, Minnesota, under the Provisions of Chapter 73 of the Laws Passed at the Sixteenth Session of the Legislative Assembly of North Dakota, Approved March 5, 1919; and Such Appropriations Be Made from the State Highway Fund.

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

§ 1. There is hereby appropriated out of any moneys in the State Highway Fund under Paragraph 2a of Section 11 of Chapter — of the Laws of the Special Session of North Dakota for the year 1919, the sum of \$260,000 or so much thereof as may be necessary for the following specified purposes between the following dates, viz.:

December 15, 1919, to June 30, 1921, both dates inclusive, to-wit:

For the purpose of aiding in the construction of the substructure, superstructure and structural approaches of a bridge across the Missouri River from Burleigh County to Morton County within the State of North Dakota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919, the sum of \$225,000.00.

For the purpose of aiding in the construction of the substructure, superstructure and structural approaches of a bridge across the Red River between the City of Pembina, Pembina County, North Dakota, and the Town of St. Vincent, Kittson County, Minnesota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919, the sum of \$35,000.00.

§ 2. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

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

Approved 9:00 A. M. December 12, 1919.

BUDGET

CHAPTER 5.

[H. B. No. 44—A. J. McLarty.]

BUDGET.

An Act to Amend and Re-enact Sub-divisions Nos. 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 25, 33, 38, 39, 40, 41, 42, 45 and 46; and Repealing Sub-divisions Nos. 19, 24 and 26 of Chapter 16 of the Session Laws of North Dakota for the Year 1919, Relating to the General Budget Appropriation; Repealing All Acts and Parts of Acts in Conflict Therewith; and Declaring an Emergency.

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

§ 1. The sum of \$2,062,633.02 in sums hereinafter more specifically named only, or so much thereof as may be necessary is and are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purposes specified in the following Sections or Sub-divisions of this Act.

§ 2. Unless otherwise specifically stated in appropriations herein or hereafter made shall be available for the expenses to be incurred in and for the several purposes herein set forth during the fiscal period of two years, beginning July 1st, 1919, and ending July 1st, 1921.

§ 3. That Sub-Division Number 3 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:
Sub-Division No. 3.

SUPREME COURT.

Salary and Expenses, Five Judges at \$5,500.00 per annum	\$27,500.00	\$55,000.00
Salary, Clerk of Court.....	2,500.00	5,000.00
Salary Deficit to July 1, 1919.....	250.00	250.00
Clerk Hire—		
Four Stenographers for Judges of Supreme Court	6,000.00	12,000.00
Postage, Office of Clerk and Justices.....	150.00	300.00
Office Supplies	100.00	200.00
Furniture and Fixtures	50.00	100.00
Printing	150.00	300.00
Miscellaneous, Freight, Express, Telegraph and Telephone	75.00	150.00
		<hr/>
		\$73,300.00

§ 2. That Sub-Division Number 6 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 6.

DEPARTMENT OF SECRETARY OF STATE.

Salary, Secretary of State.....	\$3,000.00	\$6,000.00
Salary of Deputy	2,500.00	5,000.00
Clerk Hire—		
Chief Clerk	1,800.00	3,600.00
One Recording Clerk	1,500.00	3,000.00
One Recording Clerk	1,200.00	2,400.00
Stenographers	2,700.00	5,400.00
Postage	2,750.00	5,500.00
Office Supplies	300.00	600.00
Printing and Lithographing	2,000.00	4,000.00
Miscellaneous—		
Record Books	400.00	800.00
Freight and Drayage	125.00	250.00
Telephone	100.00	200.00
Telegrams	25.00	50.00
Express	200.00	400.00
		<u>\$37,200.00</u>

§ 3. That Sub-Division Number 7 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 7.

DEPARTMENT OF STATE AUDITOR.

Salary of State Auditor.....	\$3,000.00	\$6,000.00
Deputy Auditor	2,800.00	5,600.00
Clerk Hire—		
Chief Audit Clerk and Bookkeeper... ..	1,800.00	3,600.00
Bookkeeper	1,500.00	3,000.00
Bookkeeper and Warrant Writer.....	1,500.00	3,000.00
Stenographer	1,200.00	2,400.00
Postage	500.00	1,000.00
Office Supplies	100.00	200.00
Printing, Office Use	200.00	400.00
For Supplies Furnished Departments and Counties	250.00	500.00
Miscellaneous—		
Telephone, Telegrams, Freight and Express	100.00	200.00
Items Not Included Above—		
Expense for Obtaining Lists of New Taxable Lands	150.00	300.00
		<u>\$26,200.00</u>

§ 4. That Sub-Division Number 8 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 8.

DEPARTMENT OF STATE TREASURER.

Salary of Treasurer	\$3,000.00	\$6,000.00
Salary of Deputy Treasurer	2,800.00	5,600.00
Clerk Hire—		
Bookkeeper	1,800.00	3,600.00
Bookkeeper	1,500.00	3,000.00
Stenographer and Bond Clerk.....	1,200.00	2,400.00
Postage	500.00	1,000.00
Office Supplies	100.00	200.00
Printing	400.00	800.00
Miscellaneous—		
Telephone, Telegrams, Express.....	75.00	150.00
Contingency Fund, to be used only in complying with the new laws, other than the regular budget		18,000.00
		<u>18,000.00</u>
		\$40,750.00

§ 5. That Sub-Division Number 10 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 10.

DEPARTMENT OF STATE FIRE MARSHAL.

Salary Fire Marshal.....	\$2,500.00	\$5,000.00
Salary Chief Assistant	1,800.00	3,600.00
Salary Deputy	1,200.00	2,400.00
Postage	150.00	300.00
Office Supplies	50.00	100.00
Printing	100.00	200.00
Miscellaneous—		
Freight, Telephone, Express and Telegrams		235.00
Traveling Expenses	1,800.00	3,600.00
Items Not Included Above:		
Fees Paid to Fire Chiefs.....	400.00	800.00
Investigation of Suspicious Fires.....	250.00	500.00
Deficit:		
Fees Paid to Fire Chiefs for the Year Ending June 30th, 1918.....		85.50
Estimated Deficit for the Year Ending June 30, 1919		400.00
		<u>400.00</u>
		\$17,220.50

§ 6. That Sub-Division Number 11 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 11.

ATTORNEY GENERAL.

Salary Attorney General	\$3,600	\$7,200.00
Salary Assistant Attorneys General.....	9,250.00	15,250.00
Clerk Hire and Stenographers.....	3,000.00	6,000.00
Postage	250.00	500.00
Office Supplies	150.00	300.00
Printing	200.00	400.00
Emergency appropriation to defray the expenses of the Railroad Tax Cases, to become effective immediately upon the passage and approval of this Act.....	2,000.00	2,000.00
Miscellaneous—		
Telephone, Rentals, Tolls, Telegrams and Express	200.00	400.00
Balance on One Typewriter	35.53	35.53
Traveling Expenses	800.00	1,600.00
		<u>\$33,685.53</u>

§ 7. That Subdivision 12 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 12.

DEPARTMENT OF EDUCATION.

Salary Superintendent of Public Instruction	\$3,000.00	\$6,000.00
Clerk Hire—		
Deputy	2,500.00	5,000.00
Assistant	2,000.00	4,000.00
Chief Clerk	1,500.00	3,000.00
Two Stenographers	2,400.00	4,800.00
Postage	600.00	1,200.00
Office Supplies	225.00	450.00
Printing (Reports, Bulletins, Blanks, etc.)	4,000.00	8,000.00
Telephone, Telegraph and Express.....	150.00	300.00
Traveling Expense	500.00	1,000.00
		<u>\$33,750.00</u>

§ 8. That Sub-Division Number 13 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 13.

DEPARTMENT OF AGRICULTURE AND LABOR.

Salary of Commissioner.....	\$3,000.00	\$6,000.00
Clerk Hire—		
Deputy Commissioner	2,500.00	5,000.00
Office Deputy	2,000.00	4,000.00
Chief Clerk	1,800.00	3,600.00
Chief Stenographer	1,500.00	3,000.00
Assistant Stenographer	1,200.00	2,400.00
Postage	400.00	800.00
Office Supplies	200.00	400.00
Printing	1,250.00	2,500.00
Maps	300.00	600.00
Miscellaneous (Telephone, Telegrams, Freight and Express)	200.00	400.00
Traveling Expense	1,000.00	2,000.00
		<u>\$30,700.00</u>

§ 9. That Sub-Division Number 14 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 14.

DAIRY COMMISSIONER.

Salary Dairy Commissioner.....	\$2,500.00	\$5,000.00
Clerk Hire—		
One Assistant Dairy Commissioner...	1,800.00	3,600.00
One Assistant Dairy Commissioner...	1,800.00	3,600.00
One Secretary	1,200.00	2,400.00
One Stenographer	1,200.00	2,400.00
Postage		450.00
Office Supplies		150.00
Printing	400.00	800.00
Miscellaneous (Telephone, Telegraph, Freight and Express)	125.00	250.00
Traveling Expenses	2,500.00	5,000.00
Items not included above:		
Dairy Production Contest	75.00	150.00
Deficit for Postage required up to July 1, 1919		100.00
		<u>\$23,900.00</u>

§ 10. That Sub-Division Number 15 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division 15.

RAILROAD COMMISSIONERS.

Salary, three Commissioners, \$2,000 each.	\$6,000.00	\$12,000.00
Clerk Hire—		
Secretary	2,500.00	5,000.00
Clerk	1,800.00	3,600.00
Rate Expert and Statistician.....	2,400.00	4,800.00
Reporter and Stenographer	1,500.00	3,000.00
Postage	250.00	500.00
Office Supplies .....	.....	300.00
Printing and Advertising	400.00	800.00
Miscellaneous (Freight, Express, Tele- phone, Telegraph, and Drayage).....	200.00	400.00
Traveling Expense	2,000.00	4,000.00
		<u>\$34,400.00</u>

§ 11. That Sub-Division Number 16 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 16.

LAND DEPARTMENT.

Salary Commissioner	\$3,000.00	\$6,000.00
Clerk Hire—		
Deputy Commissioner	2,500.00	5,000.00
Bond and Mortgage Clerk	1,800.00	3,600.00
Lease Clerk	1,500.00	3,000.00
Patent Clerk	1,500.00	3,000.00
Two Stenographers	2,400.00	4,800.00
Postage and Deficit	750.00	1,500.00
Office Supplies	200.00	400.00
Printing	500.00	1,000.00
Miscellaneous (Telephone, Telegrams, Freight and Express)	137.50	275.00
Traveling Expenses	600.00	1,200.00
Filing Selection Lists	50.00	100.00
Expense, Leasing and Deficit,.....	1,500.00	3,000.00
Deficit, Appraisal and Sale.....		
		<u>\$32,875.00</u>

§ 12. That Sub-Division Number 17 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 17.

DEPARTMENT OF BANKING.

Salary, Examiner	\$3,000.00	\$6,000.00
Clerk Hire—		
Chief Deputy	2,800.00	5,600.00
Eight Bank Examiners	16,000.00	32,000.00
Two County Examiners	4,000.00	8,000.00
One City Examiner	2,000.00	4,000.00
One Institution Examiner	2,000.00	4,000.00
One Chief Clerk	1,800.00	3,600.00
Two Stenographers	2,400.00	4,800.00
One Office Examiner	2,000.00	4,000.00
Postage	1,000.00	2,000.00
Office Supplies	250.00	500.00
Printing	1,000.00	2,000.00
Miscellaneous—		
Telephone and Tolls	150.00	300.00
Telegrams	75.00	150.00
Freight, Express and Drayage	75.00	150.00
Traveling Expenses (Fifteen Examiners, including State Examiner) ..	10,000.00	20,000.00
		<u>\$97,100.00</u>

§ 13. That Sub-Division Number 18 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:
Sub-Division No. 18.

TAX COMMISSION.

Salary of Commissioner	\$4,000.00	\$8,000.00
Clerk Hire—		
Chief Clerk	2,000.00	4,000.00
Stenographer	1,500.00	3,000.00
Office Supplies	250.00	500.00
Postage	750.00	1,500.00
Expense of Printing and Compiling Reports of Board of Equalization	200.00	400.00
Printing	500.00	1,000.00
Miscellaneous (Telephone, Telegrams, Freight and Express)	150.00	300.00
Traveling Expenses	1,000.00	2,000.00
Emergency Fund, to be used only in complying with the new laws, other than the regular budget	17,500.00	35,000.00
		<u>\$55,700.00</u>

§ 14. That Sub-Division Number 20 of Chapter 16 of the

Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 20.

LIBRARY COMMISSION.

Clerk Hire—		
Deputy Librarian	\$1,500.00	\$3,000.00
Chief Traveling Library System.....	1,380.00	2,760.00
Stenographer	1,200.00	2,400.00
Postage		400.00
Office Supplies		300.00
Printing		250.00
Miscellaneous (Telephone, Telegrams, Freight and Express)		400.00
Traveling Expense		700.00
Items not included above—		
Traveling Library Cases		50.00
Aid to Libraries		150.00
Books		2,000.00
Preparation of Books		300.00
		<u>\$12,710.00</u>

§ 15. That Sub-Division Number 21 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 21.

STATE ENGINEER.

Salary, State Engineer	\$2,500.00	\$5,000.00
Clerk Hire—		
Assistant State Engineer	2,400.00	4,800.00
Stenographer	1,200.00	2,400.00
Additional Field and Office Help.....	960.00	1,920.00
Postage		300.00
Office Supplies		900.00
Printing		500.00
Miscellaneous—		
Telephone and Tolls		100.00
Telegrams		20.00
Freight, Express, Drayage		80.00
Traveling Expense		1,200.00
Items not included above—		
Hydrographic Work		800.00
		<u>\$18,020.00</u>

§ 16. That Sub-Division Number 23 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 23.

HISTORICAL SOCIETY.

Salary of Curator	\$2,500.00	\$5,000.00
Salary of Librarian	1,500.00	3,000.00
Clerk Hire—		
Miscellaneous assistance in reading proof, copying documents at Wash- ington, etc.		85.00
Service of Editor of Collections.....		225.00
Postage		200.00
Office Supplies		238.00
Printing and binding, stationery cards, bulletins, etc. Volume VI Collec- tions, binding newspapers and pamphlets	400.00	800.00
Miscellaneous (Telephone, Telegrams, Freight and Express)		200.00
Traveling Expense	250.00	500.00
(Directors of Historical Society, Direc- tors of Park Boards, Secretary, Curator and Librarian.)		
Items not included above—		
Museum	100.00	200.00
Books	100.00	200.00
		<u>\$10,648.00</u>

§ 17. That Sub-Division Number 25 of Chapter 16 of the Session Laws of North Dakota for the year 1919, is amended and re-enacted to read as follows:

Sub-Division No. 25.

LIVE STOCK SANITARY BOARD.

Salary of Executive Officer and State Veterinarian	\$3,000.00	\$6,000.00
Clerk Hire—		
One Stenographer and Clerk.....	1,500.00	3,000.00
Postage	150.00	300.00
Office Supplies	50.00	100.00
Printing	200.00	400.00
Miscellaneous—		
Telephone	100.00	200.00
Telegrams	50.00	100.00
Freight		10.00
Traveling Expense—		
Services and Expenses of Agents of Live Stock Sanitary Board.....	9,000.00	18,000.00
		<u>\$28,110.00</u>

§ 18. That Sub-Division Number 33 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 33.

NORTH DAKOTA AGRICULTURAL COLLEGE.

Maintenance for Teaching Staff.....	.....	\$37,000.00
Maintenance due to increased cost of Coal, Freight and all Supplies.....	.....	50,000.00
Improvements and Repairs—		
Repairs on Building	2,000.00	4,000.00
Walks and Drives	1,000.00	2,000.00
Care of Grounds and Campus.....	1,000.00	2,000.00
Repairs of Steam and Water Mains...	2,000.00	4,000.00
Equipment—		
Equipment for Science Hall.....	2,500.00	5,000.00
New Agricultural Building, one unit to be made available in 1920.....	.....	150,000.00
Library Books and Journal	1,000.00	2,000.00
Miscellaneous—		
Insurance (including new buildings)	5,000.00	10,000.00
In Lieu of Mill Tax—		
For General Maintenance of the Col- lege, to be used as the Board of Ad- ministration may authorize .....	.....	123,600.00

REGULATORY DEPARTMENT.

Beverage Fund—		
For the enforcement of the laws cover- ing Feeding Stuffs, Fertilizers, Bev- erages and Sanitary Inspection (Sec. 1624-2883, C. L. 1913).....	12,000.00	24,000.00
Pure Food Fund—		
For the enforcement of the Pure Food and Drug Laws (Secs. 1622, 2879, 2883, C. L. 1913).....	10,000.00	20,000.00
Pure Seed Laboratory, Maintenance, Sal- aries based on present pay-roll.....	8,500.00	8,500.00
Special emergency Stenographer for one- half time, student labor and special aid in seed analysis and seed testing in spring months	1,000.00	1,000.00
Improvements and Repairs—		
Removal of partition walls, modifica- tion of seed analyst's laboratory, plumbing, to properly adjust the germination chambers	75.00	150.00
Equipment—		
Laboratory supplies—metal seed con-		

tainers, germination and testing apparatus, seed papers, seed mailing envelopes, etc.	350.00	700.00
Miscellaneous—		
Inspection expenses, seed house and field crop inspection, including necessary travel, hotel, etc.	400.00	800.00
Publication—Bulletins, Circulars and Seed Lists	100.00	200.00
EXPERIMENT STATION.		
To provide funds for the continuation of the work of the Agricultural College Experiment Station (Sections 1619, 2911, Session Laws 1913, C. L. ....	.....	50,000.00
For Repairs and Improvements on Farm	1,000.00	2,000.00
Repainting Farm Buildings	500.00	1,000.00
To provide funds for the Agricultural College to conduct a department in marketing rural finances and organization and for the publication of information derived from Research along the above mentioned lines	4,500.00	9,000.00
EXTENSION DIVISION.		
For the payment of salaries and expense accounts of specialists and for such other extension purposes as the Board of Administration may deem necessary .....	.....	50,000.00
Offset on Smith-Lever and other Federal Appropriations, year 1920 .....	.....	32,277.00
Offset on Smith-Lever and other Federal Appropriations, year 1921 .....	.....	42,277.00
DEMONSTRATION FARMS.		
For the Maintenance of Demonstration Farms and for the Establishment of new Demonstration Farms as provided for by Sec. 1623, C. L. 1913.	12,000.00	24,000.00
VETERINARY SCIENCE.		
Salary	925.00	1,850.00
Clerk Hire	750.00	1,500.00
Unskilled Labor	300.00	600.00
Postage	150.00	300.00
Miscellaneous—		
Maintenance and Repairs	200.00	400.00
Items not included above—		
(A) Animals	250.00	500.00

(B) Apparatus	100.00	200.00
(C) Chemicals	175.00	350.00
(D) Feed	200.00	400.00

MILLING EXPERIMENTS.

For the Maintenance of a plant at the Agricultural College in which shall be conducted experiments to determine the comparative milling values of different grades of wheat (Sec. 1625, C. L. 1913)

500.00	1,000.00	
Investigation of Cereals	2,500.00	5,000.00

AGRICULTURAL AND GEOLOGICAL SURVEY.

Salary	500.00	1,000.00
Postage	5.00	10.00
Office Supplies	20.00	40.00
Miscellaneous	25.00	50.00
Traveling Expense	450.00	900.00

SUB-EXPERIMENT STATION.

To provide funds for the Support and Maintenance for the five Agricultural College Sub-Stations under the supervision of the Agricultural College, located at Edgeley, Dickinson, Langdon, Williston and Hettinger (Secs. 1629, 1627, 1633, 1643, C. L. 1913).....

25,000.00	50,000.00
	<u>50,000.00</u>
	\$719,604.00

§ 19. That Sub-Division No. 38 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 38.

VALLEY CITY NORMAL SCHOOL.

Maintenance	\$91,200.00	\$182,400.00
Improvements and Repairs—		
Repairs to building	500.00	1,000.00
New cement walks and old ones repaired		1,500.00
Brick smokestack		3,500.00
Recording Watt Meter		150.00
Boiler feed regulator		400.00
Water meter on boiler feed line.....		75.00
Feed water heater		600.00
Platform scales		30.00
Radiator traps		150.00

Equipment—		
Library	1,500.00	3,000.00
Furniture, Apparatus and Machinery..	1,500.00	3,000.00
Miscellaneous—		
Insurance		4,068.08
Interest		1,772.91
Deficit		8,000.00
		\$209,645.99

§ 20. That Sub-Division Number 39 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 39.

MINOT STATE NORMAL SCHOOL.

Maintenance—		
Advertising	\$100.00	\$200.00
Drayage	600.00	1,200.00
Expenses—		
Fuel	9,850.00	19,700.00
Freight, Express	300.00	600.00
Library	250.00	500.00
Light and Power, Electric	1,050.00	2,100.00
Office Supplies	250.00	500.00
Postage	300.00	600.00
Printing and Publication	500.00	1,000.00
Salaries and Wages	55,000.00	110,000.00
Supplies	3,000.00	6,000.00
Water	500.00	1,000.00
Improvements and Repairs—		
New well and water		5,000.00
Equipment—		
Books	500.00	1,000.00
Furniture	1,000.00	2,000.00
Instruments for Departments	600.00	1,200.00
Laboratory and Gymnasium	1,000.00	2,000.00
Miscellaneous—		
Insurance	750.00	1,500.00
Interest	1,060.00	2,120.00
Due on land purchased	4,000.00	8,000.00
Care of Grounds	250.00	500.00
Deficit in Dormitory Maintenance.....		1,600.00
Taxes	2,982.00	5,964.00
		\$174,284.00

§ 21. That Sub-Division Number 40 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 40.

MAYVILLE NORMAL SCHOOL.

Maintenance—		
Faculty Salaries	\$12,090.00	\$24,180.00
Janitors', Engineer's and Teamsters Salaries	7,500.00	15,000.00
Labor—extra drayage students' help..	750.00	1,500.00
Fuel	7,500.00	15,000.00
Supplies for Departments of Instruction	1,000.00	2,000.00
Supplies for Janitors, Engineers and Teamsters	1,000.00	2,000.00
Printing and Stationery (including postage)	500.00	1,000.00
Hospital Maintenance	50.00	100.00
Freight and Express (Col. and prep.) Local except Fuel	250.00	500.00
Telephone	100.00	200.00
City Board of Education	2,000.00	4,000.00
Equipment—		
Books, periodicals and binding for General Library	300.00	600.00
Two Pianos	350.00	700.00
Water System		3,000.00
Miscellaneous—		
Insurance	1,500.00	3,000.00
		<u>\$72,780.00</u>

§ 22. That Sub-Division Number 41 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 41.

STATE NORMAL AND INDUSTRIAL SCHOOL AT ELLENDALE.

Maintenance	\$26,600.00	\$53,200.00
Improvements and Repairs—		
Resetting Boiler and Repairs.....		500.00
Relaying Water Mains		500.00
New Ceiling on Armory.....		500.00
Equipment—		
Library, New Books	250.00	500.00
Gymnasium Apparatus		250.00
Miscellaneous—		
Carnegie Interest	1,400.00	2,800.00
Insurance		1,800.00
Purchase of land		800.00
		<u>\$60,850.00</u>

§ 23. That Sub-Division Number 42 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 42.

STATE SCHOOL OF SCIENCE AT WAHPETON.

Maintenance	\$12,500.00	\$25,000.00
Fuel and Light	6,000.00	12,000.00
Improvements and Repairs—		
To Main Building	7,500.00	15,000.00
To Heating Plant and Steam Pipes...	1,250.00	2,500.00
Miscellaneous—		
Insurance		1,500.00
		<u>\$56,000.00</u>

§ 24. That Sub-Division Number 45 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 45.

STATE TRANSPORTATION OFFICER.

Salary	\$2,000.00	\$4,000.00
Miscellaneous—		
Telephone, Telegraph and Postage...		200.00
Traveling Expenses	10,000.00	20,000.00
		<u>\$24,200.00</u>

§ 25. That Sub-Division Number 46 of Chapter 16 of the Session Laws of North Dakota for the year 1919 is amended and re-enacted to read as follows:

Sub-Division No. 46.

LEGISLATIVE ASSEMBLY.

Mileage and Per Diem	\$80,000.00
Per Diem of Officers and Employees.....	25,000.00
Printing, Miscellaneous Expenses and Supplies.....	34,000.00
	<u>\$139,000.00</u>

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

Approved: 11:30 A. M., Dec. 13, 1919.

CHAPTER 6.

[S. B. No. 42—Mikelthun.]

EMERGENCY COMMISSION.

An Act to Appropriate Funds to Be Placed at the Disposal of the State Emergency Commission and to Be Used as Provided by Chapter 26 and 152 of the Session Laws of North Dakota for the Year 1915 in the Amount of \$75,000.00.

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

§ 1. There is hereby appropriated to the State Contingency Fund, out of any not otherwise appropriated funds, in the State Treasury, the sum of \$75,000.00 or so much thereof as may be necessary, which said funds shall be placed at the disposal of the State Emergency Commission for the purpose authorized under Chapters 26 and 152 of the Session Laws of North Dakota for the year 1915.

Approved 8:55 A. M., Dec. 12, 1919.

CHAPTER 7.

[S. B. No. 43—Jacobsen.]

EXPENSES OF DISTRICT JUDGES.

An Act Making Effective Section 9, Chapter 167, Session Laws of North Dakota, for the Year 1919, as Regards Expenses of District Judges, by Making an Appropriation Therefor.

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

§ 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Five Hundred Dollars, or so much thereof as may be necessary, for each district judge in the State of North Dakota for his actual and necessary traveling expenses, which shall include subsistence, incurred while holding court inside of his own district but outside of the county in which he resides, which expenses shall be payable monthly in the manner now provided for the payment of Judges' salaries, upon the filing of the proper vouchers and receipts as required by law. Said appropriation being made in conformity to and to make effective the provisions of Section 9, Chapter 167, Session Laws of North Dakota for 1919, in regard thereto.

§ 2. WHEREAS, it was the intent of the Legislature in the passage of Chapter 167, Session Laws of 1919, to provide for the pay-

ment of such expenses, and whereas no specific appropriation was made therefor or such expenses limited to any amount, therefore this Act is declared to be an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved 9:30 p. m., Dec. 11, 1919.

CHAPTER 8.

[H. B. No. 39—O'Brien.]

EXECUTIVE DEPARTMENT.

An Act to appropriate Money for the Expenses of the Executive Department of the State to Cover Expenses in Meeting Certain Emergencies.

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

§ 1. APPROPRIATION FOR THE EXECUTIVE OF THE STATE.] The sum of \$15,000 or so much thereof as may be necessary is hereby appropriated for the Contingent Fund of the Executive Office of the State out of any money in the State Treasury not otherwise appropriated, to defray certain expenses incurred in the Bowen murder case and to provide for the expenses of special counsel necessarily employed to defend the state in a suit brought by certain taxpayers to prevent the issuance of bonds to carry out the industrial program of the state, for other expenses in connection with action taken by the Executive in the present coal mine strike and for such other future contingencies as may arise during the fiscal period ending July 1, 1921.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall take effect and be in full force from and after the date of its passage and approval.

Approved 7:25 p. m., Dec. 11, 1919.

CHAPTER 9.

[H. B. No. 5—Wog.]

EXECUTIVE MANSION.

An Act Making an Appropriation for General Repairs and Improvements of the Executive Mansion.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the

sum of Fifteen Hundred Dollars (\$1,500.00); or so much thereof as may be necessary, for general repairs and improvements of the Executive Mansion.

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

Approved 2:10 P. M., Dec. 8, 1919.

CHAPTER 10.

[S. B. No. 37—Ingerson.]

HAIL INSURANCE.

An Act to Provide for an Appropriation for the Purpose of Carrying Out the Provisions of the State Hail Insurance Law.

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

§ 1. APPROPRIATION PROVIDED.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of financing and carrying out the provisions of the State Hail Insurance Law, until such time that the taxes, levied and certified in accordance with Sections 6 and 7 of the State Hail Insurance Act, shall have been paid, the sum of \$50,000, said sum to be reimbursed to the general fund of the state, in accordance with Section 3, of the said State Hail Insurance Act.

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

Approved 2:00 P. M., Dec. 11, 1919.

CHAPTER 11.

[H. B. No. 58—Committee on Delayed Bills.]

HIGHWAY COMMISSION.

An Act Making Appropriation for the Salary of the Secretary and Members of the State Highway Commission, for the Clerk Hire and Other Assistance of the Commission, Postage, Office Supplies, Furniture, and Fixtures, Printing, Miscellaneous and Traveling Expenses of the Commission; Amending and Re-enacting Section 1 of Chapter 42 of the Laws of North Dakota for the Year 1919; Repealing All Acts and Parts of Acts in Conflict Therewith; and Declaring an Emergency.

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

§ 1. That Section 1 of Chapter 42 of the Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 1. There is hereby appropriated out of any moneys in the State Treasury belonging to the Automobile Fund as provided in Section 11, Sub-Division of Senate Bill 97, and not otherwise appropriated, the sum of \$172,000.00, or so much thereof as may be necessary for the salary of the secretary and members of the State Highway Commission, for the supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission for the biennial period from June 30th, 1919, to July 1st, 1921, as follows: Salary—

Secretary	\$1,000.00	\$2,000.00
Members of Commission	1,200.00	2,400.00
Clerk Hire—		
Highway Engineer	3,000.00	6,000.00
Bridge Engineer	2,700.00	5,400.00
Assistant Engineer	2,100.00	4,200.00
Maintenance Engineer	2,700.00	5,400.00
Road Engineer	2,400.00	4,800.00
Chief Draftsman	2,400.00	4,800.00
Office Assistants, two	2,000.00	4,000.00
Office Engineers, two at \$1,800.00....	3,600.00	7,200.00
Blue Printer	900.00	1,800.00
Division Engineer, 7 at \$2,400.00....	16,800.00	33,600.00
Four Assistant Engineers	7,200.00	14,400.00
Roadmen, eight months, 16 at \$80.00 per month	10,240.00	20,480.00
Chief Clerk	1,800.00	3,600.00
Bookkeeper	1,500.00	3,000.00
Assistant Bookkeeper	1,200.00	2,400.00
Stenographers, 4 at 1,200.00....	4,800.00	9,600.00
Two Stenographers	2,000.00	4,000.00
Postage	1,000.00	2,000.00
Office Supplies	3,000.00	6,000.00
Furniture and Fixtures	500.00	1,000.00
Printing	2,500.00	5,000.00
Miscellaneous—		
Telephone and Toll	150.00	300.00
Telegrams	100.00	200.00
Freight, Express and Drayage.....	200.00	400.00
Traveling Expenses	8,000.00	16,000.00
Engineering Equipment	1,010.00	2,020.00
		\$172,000.00

§ 2. Repealing all Acts and parts of Acts in conflict herewith.

§ 3. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 8:40 P. M., Dec. 11, 1919.

CHAPTER 12.

[H. B. No. 55—Committee on Delayed Bills.]

INSTITUTE FOR FEEBLE MINDED.

An Act Making an Appropriation for Maintenance, Improvements, Repairs, and Equipments for the Institution of the Feeble Minded at Grafton, North Dakota, Amending and Re-enacting Section 1 of Chapter 32 of the Laws of North Dakota for the Year 1919; Repealing All Acts and Parts of Acts in Conflict Therewith and Declaring an Emergency.

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

§ 1. That Section 1 of Chapter 32 of the Laws of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$210,565.00, or so much thereof as may be necessary for the maintenance, new buildings, improvements, repairs and equipment for the Institution for the Feeble Minded at Grafton, North Dakota, biennial period from June 30, 1919, to July 1, 1921, as follows:

Maintenance—

General		\$48,500.00
Coal		33,000.00
Improvements and Repairs, Painting..	\$500.00	1,000.00
Boiler House, Improvements and Repairs	1,000.00	2,000.00
Well	1,500.00	3,000.00
Heating and Plumbing Repairs	750.00	1,500.00
Fencing	400.00	800.00
Repair Roofs, etc.	500.00	1,000.00

New Buildings—

Refectory Building	45,500.00	90,000.00
Garden House	2,500.00	5,000.00
Milk House and Equipment	500.00	1,000.00

Equipment—

X-Ray Machinery	1,000.00	2,000.00
Farm Machinery (repair, buggy, wagons, harness, cultivator, and transplanter)		265.00
Bedding and Furniture	1,000.00	2,000.00
Oven, Middleby	750.00	1,500.00
Drinking Water Apparatus	1,000.00	2,000.00
Refrigerator Machinery	1,000.00	2,000.00
Fire Escape	500.00	1,000.00
Window Guards	250.00	500.00

Miscellaneous—		
Fire Insurance	1,000.00	2,000.00
Land	5,000.00	10,000.00
Live Stock	250.00	500.00
		\$210,565.00

§ 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

§ 3. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 9:20 A. M., Dec. 12, 1919.

CHAPTER 13.

[H. B. No. 9—John R. Maddock.]

MOTOR VEHICLE DEPARTMENT.

An Act to appropriate Thirty-two Thousand Three Hundred Dollars for the Operation of the Motor Vehicle Registration Department, Being Additional to That Already Appropriated for Salary of Registrar, Clerk Hire, Special Agents, Traveling Expenses, Printing, and 1921 License Tags.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury belonging to the Motor Vehicle Registration Fund, as provided in Section 11, Sub-Division of Chapter 182, of the 1919 Session Laws of North Dakota, not otherwise appropriated, or so much thereof as may be necessary, the additional sum of thirty-two thousand three hundred dollars for the motor vehicle registration, salary of registrar, clerk hire, special agents, traveling expenses, printing, and 1921 license tags for the period from January 1, 1920, to July 1, 1921, as follows:

Salary Registrar	\$800.00
Clerk Hire	7,500.00
Special Agents	1,000.00
Traveling Expenses	1,000.00
Printing	2,000.00
1921 License Tags	20,000.00

Total\$32,300.00

§ 2. EMERGENCY.] That this Act may be in effect on January 1, 1920, it is hereby declared to be an emergency measure and shall be in force and effect immediately after its passage and approval by the Governor.

Approved 8:35 P. M., Dec. 11, 1919.

CHAPTER 14.

[H. B. No. 57—Committee on Delayed Bills.]

REFORM SCHOOL.

An Act Making Appropriation for the Maintenance, Improvements and Repairs, New Buildings, Equipments and Miscellaneous Expenses of the North Dakota Reform School; Amending and Re-enacting Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919; Repealing All Acts and Parts of Acts in Conflict Therewith; and Declaring an Emergency.

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

§ 1. That Section 1 of Chapter 57 of the Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$218,960.00, or so much thereof as may be necessary for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School for the biennial period from June 30, 1919, to July 1, 1921, as follows:

Maintenance—

Salaries	\$18,000.00	\$36,000.00
Coal, Gasoline and other Oils.....	5,000.00	10,000.00
Food	4,500.00	9,000.00
Clothing	4,460.00	8,920.00
Surgery, Dentistry and Medicine.....	1,000.00	2,000.00
Light	420.00	840.00
Traveling Expenses .....	.....	300.00
Office Supplies	300.00	600.00
School Supplies	200.00	400.00
Library	150.00	300.00
Amusements	250.00	500.00
Religious Services and Lectures.....	250.00	500.00
Farm and Garden Supplies.....	300.00	600.00
Transportation, Officers and Inmates..	1,500.00	3,000.00
Air Pressure Pump and Fixtures.....	.....	1,100.00
To July 1st, 1919.....	.....	14,500.00

Improvements and Repairs—

Fire escape, all buildings.....	.....	.....
Reconstruction Basement, Girls' Building .....	.....	.....
Improvements of Grounds, Cement Walks, Stone Wall, Girls' Building	500.00	1,000.00
Road Repairs and Improvements....	.....	.....
Fencing Farm Lands	600.00	1,200.00
Exterior and Interior Painting.....	.....	500.00

New Buildings—		
Little Boys' Building	}	110,000.00
Gymnasium School		
Boiler Room and Equipment.....		
Water Supply and Sewerage.....		
This amount to become available March 1, 1920—		
Addition to Hog House.....	500.00	500.00
Addition to Chicken House	600.00	600.00
Garden House	500.00	1,000.00
Dairy Barn and Silo	1,750.00	3,500.00
Slaughter House and Equipment.....	300.00	600.00
Machinery House	250.00	500.00
Two Cottages for Employees.....	.....	.....
Sewerage and Disposal Plant.....	.....	.....
Laundry and Equipment, Girls' Building	250.00	500.00
Cold Storage Plant .....	.....	.....
Milk House	250.00	500.00
New Furniture, Girls' Building.....	250.00	500.00
New Furniture, Big and Little Boys' Building	400.00	800.00
Farm Machinery	300.00	600.00
Three Coal Wagons .....	.....	.....
Fire Apparatus, all Buildings.....	250.00	700.00
Miscellaneous—		
Insurance .....	.....	900.00
Purchase of Livestock .....	.....	.....
Purchase of Land.....	.....	6,500.00
		\$218,960.00

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

Approved 9:25 A. M., Dec. 12, 1919.

CHAPTER 15.

[H. B. No. 38—O'Brien.]

STATE PRINTER.

An Act Appropriating the Sum of \$5,000.00 to Provide for Clerk Hire, Furniture and Fixtures, and Other Necessary Items of Office Expenses for the State Publication and Printing Commission, and the Office of the State Printer.

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

§ 1. APPROPRIATION.] There is hereby appropriated, out of

any moneys in the State Treasury, not otherwise appropriated, the sum of \$5,000.00 to provide Clerk Hire, Telephone, Telegraph, Postage, Printing, Drayage, Express, Furniture and Fixtures, and other items of office expenses necessary to the conduct of the business of the State Publication and Printing Commission, and of the Office of the State Printer, for the biennial period ending July 1st, 1921.

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

Approved 7:00 P. M., Dec. 11, 1919.

CHAPTER 16.

[H. B. No. 56—Committee on Delayed Bills.]

TESTING DAIRY PRODUCTS.

An Act Amending and Re-enacting Section 7 of Chapter 108 of the Laws of North Dakota for the Year 1919, Relating to the Care of Samples of Milk and Cream for Obtaining Official Tests of Butter Fat; Making an Appropriation Therefor and Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

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

§ 1. That Section 7 of Chapter 108 of the Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 7. There is hereby appropriated out of the general funds of the State, not otherwise appropriated, the amount of \$2,000 annually to be expended under the direction of the State Dairy Commissioner for the salary of competent assistants, postage, printing, supplies or material necessary in carrying into effect all provisions of this Act.

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

§ 3. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 8:25 P. M., Dec. 11, 1919.

ARCHITECTS

CHAPTER 17.

[S. B. No. 14—Haggart.]

ARCHITECT'S LICENSE.

An Act to Amend and Re-enact Chapter 58, Laws of North Dakota, 1917, Relating to Registration of Licensed Architects and the Regulation of the Practice of Architecture as a Profession in the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 15, of Chapter 58, Laws of North Dakota, 1917, is hereby amended and re-enacted to read as follows:

§ 15. No person shall begin to use the title "Licensed Architect" or any variation of the same, or any other words, letters or device to indicate that the person using the same is a licensed architect, after the approval of this Act, without being registered as an architect, in accordance with the provisions of this Act. All persons not engaged in the practice of architecture as a profession prior to March 15, 1918, shall obtain a license to practice architecture in this State.

§ 2. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 9:40 p. m., Dec. 11, 1919.

ATTORNEY GENERAL

CHAPTER 18.

[S. B. No. 13—Drown.]

ASSISTANT ATTORNEYS GENERAL.

An Act to Amend and Re-enact Section 160 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Chapter 66 of the Laws of North Dakota for the Year 1919, Relating to the Appointment of Assistant Attorneys General.

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

§ 1. That Section 160 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 66 of the

Laws of North Dakota for the year 1919, be, and the same is hereby amended and re-enacted to read as follows:

§ 160. The Attorney General may appoint two Assistant Attorneys General, whose appointment shall be in writing and filed in the office of the Secretary of State. Such Assistant Attorneys General shall have the same power and authority as the Attorney General; they shall before entering upon the duties of their office, take and subscribe upon their appointment the official oath prescribed by law.

Approved 11:40 A. M., Dec. 10, 1919.

CHAPTER 19.

[S. B. No. 4—Cahill.]

SPECIAL ASSISTANTS.

An Act to Repeal Chapter 67 of the Session Laws of North Dakota, for the Year 1919, Same Being an Act Entitled "An Act Providing for the Appointment of Special Assistant Attorneys General, by the Attorney General, and Designating the Fund Out of Which the Compensation of Such Assistant Attorneys General May Be Paid.

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

§ 1. REPEAL.] That Chapter 67 of the Session Laws of North Dakota for the year 1919 be, and the same is hereby, repealed.

Approved 11:35 A. M., Dec. 10, 1919.

CHAPTER 20.

[H. B. No. 13—Hardt.]

SPECIAL ASSISTANTS.

An Act Providing for the Appointment of Special Assistant Attorneys General by the Governor; Making an Appropriation Therefor; and Repealing All Acts and Parts of Acts in Conflict Therewith,

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

§ 1. The Governor may, when he deems it necessary, appoint Special Assistant Attorneys General. Such appointment shall be in writing and when made shall confer upon such assistants such powers as are exercised by regular Assistant Attorneys General, when such powers are not expressly limited by the terms of such

appointment. Such appointment shall be revocable at the pleasure of the Governor.

§ 2. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of ten thousand dollars, or as much thereof as may be necessary to carry out the provisions of this Act. The compensation of said Special Assistant Attorneys General shall be fixed by the Governor and paid by the State Treasurer upon vouchers issued by the Governor in the manner provided by law.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved 7:50 P. M., Dec. 11, 1919.

AUDITING BOARD

CHAPTER 21.

[S. B. No. 40—Hammerly.]

MEMBERSHIP.

An Act to Amend and Re-enact Section 375 of the Compiled Laws, State of North Dakota, for the Year 1913, as Amended by Chapter 227 of the Session Laws of 1915, Relating to the State Auditing Board, Its Duties, and the Membership Thereof.

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

§ 1. That Section 375 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 227 of the Session Laws of 1915, is hereby amended and re-enacted to read as follows:

§ 375 as amended. AMENDMENT. STATE AUDITING BOARD. DUTIES.] The Governor, Commission of Insurance, Attorney General, State Treasurer, and the State Examiner, shall constitute a board to be known as the State Auditing Board, any three of which shall constitute a quorum for the transaction of business. The State Auditor shall act as secretary of the State Auditing Board, and shall receive and file for the consideration of the State Auditing Board, all accounts, claims or demands against the State, except those of state owned utilities, enterprises and business projects, and such others as are now specifically excepted by law. The State Auditing Board shall hold its meetings at either the Governor's office, or the State Auditor's office at the seat of government, as the board may decide. Meetings shall be held at least monthly, and at such other times as the State Auditing Board may deem either necessary or advisable. It shall be the duty of the State Auditing Board to audit all claims, accounts, bills or demands against the

State, except those of state owned utilities, enterprises and business projects, and such others as are now specifically excepted by law. Each and every claim, account, bill or demand against the state, paid by the State Auditor, shall bear the approval of the State Auditing Board, and the State Examiner shall hold the State Auditor personally responsible for the sum of any or all bills paid by the State Auditor which do not bear the approval of the State Auditing Board. The State Auditing Board may in its discretion require the filing of any additional information which it may deem necessary to the proper understanding and audit of any claim, account, bill or demand against the State, and may require the filing of a sworn statement in such form as it may prescribe.

Approved 11:45 A. M., Dec. 10, 1919.

BANKS

CHAPTER 22.

[S. B. No. 19—Welford.]

DEPOSITS EXEMPT FROM INCOME TAX.

An Act Providing for the Exemption From Taxation of the Income From Moneys Deposited in Any Bank or Other Financial Institution Within the State.

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

§ 1. All income derived from moneys deposited in any bank or other financial institution within the state is hereby exempted from taxation under the provisions of Chapter 234 (224), Laws of North Dakota, 1919.

§ 2. All Acts or parts of Acts, insofar as inconsistent with the provisions of this Act, are hereby repealed.

§ 3. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 2:15 P. M., Dec. 11, 1919.

CHAPTER 23.

[H. B. No. 10—Bailey.]

LEGAL RESERVE.

An Act to Amend and Re-enact Section 5170 of the Compiled Laws, State of North Dakota, for the Year 1913, as Amended by Chapter 58 of the

Session Laws of 1915, Relating to the Legal Reserve Fund of Banking Corporations and Associations.

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

§ 1. That Section 5170 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 58 of the Session Laws of 1915, is hereby amended and re-enacted to read as follows:

§ 5170 as amended. AMENDMENT. RESERVE FUND.] Each corporation or association shall at all times have on hand in available funds an amount which shall equal 10 per cent of its demand deposits and amounts due to other banks and 7 per cent of its time deposits; three-fifths of this amount may consist of balances due to the corporation or association from the Bank of North Dakota, or good solvent state or national banks or trust companies, which carry sufficient reserve to entitle them to act as such depository banks, and are located in such commercial centers as will facilitate the purposes of banking exchanges, and which depository bank shall have been first approved by the State Banking Board, and the remaining two-fifths of such reserve shall consist of actual cash on hand; cash items shall not be included in computing reserve, and no corporation or association shall carry as cash or cash items, any paper or other matter except legitimate bank exchange, which will be cleared on the same or next succeeding day. Whenever the available funds, within the meaning of this Section, shall be below ten per cent of its demand deposits and amounts due to other banks, and seven per cent of its time deposits, such corporation or association shall not increase its liabilities by making any new loans or discounts other than by discounting or purchasing bills of exchange, payable at sight, nor make any dividend of its profits, until the required proportion between the aggregate amount of the deposits and its lawful money reserve has been restored; and the State Banking Board must notify any corporation or association whose lawful money reserve shall be below the amount required to be kept on hand, to make good such reserve, and if such corporation or association shall fail to do so for a period of thirty days after such notice, the State Banking Board may impose a penalty of not less than one hundred dollars or more than five hundred dollars, which shall be collected in the same manner as other penalties prescribed in this Chapter.

Approved 8:00 p. m. December 11, 1919.

BONDS

CHAPTER 24.

[S. B. No. 44—McCarten.]

HOME BUILDING SERIES.

An Act Providing for the Issuing of Bonds of the State of North Dakota in a Sum Not Exceeding Two Million Dollars to Be Known as "Bonds of North Dakota, Home Building Series"; Prescribing the Terms and Stating the Purposes Thereof; Providing for a Tax and Making Other Provisions for the Payment of Interest and Principal of Said Bonds and to Carry Into Effect the Provisions of This Act; and Declaring This Act to Be an Emergency Measure.

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

§ 1. An issue of bonds of the State of North Dakota, to be known as "Bonds of North Dakota, Home Building Series," is hereby authorized and directed under the conditions and in the manner and for the purposes hereinafter set forth.

§ 2. Whenever mortgages authorized by Chapter 150, Laws of North Dakota for 1919 shall be held by the Home Building Association securing a total amount of unpaid purchase money obligations in the sum of at least \$25,00.00, the Industrial Commission, subject, however, to the limitation expressed in Section 12 of said Act, as amended at the Special Session of 1919, may cause such mortgages, or such of them as it shall think proper, but not less than the total amount of \$25,000.00 to be assigned, together with the obligations thereby secured to the State Treasurer. The assignment of each such mortgage and obligation shall be executed by the Manager of the Association and shall recite that it is made to "the State Treasurer of North Dakota, and his successors in office in trust as security for bonds to be issued by the State of North Dakota under the designation of Bonds of North Dakota, Home Building Series, as provided by law," and it shall be duly recorded by said manager in each county in which the lands affected by the mortgage are situated. As soon as such assignments are recorded, they, with the instruments assigned, shall be delivered to the State Treasurer, and at the same time the Manager of the Association shall deliver to the State Treasurer a verified statement showing the amount remaining unpaid on each obligation secured by the mortgages so assigned and delivered. In like manner and with like purpose and effect, whenever sale contracts as provided in Section 12, Chapter 150 of the Laws of North Dakota for 1919, as amended at the Special Session of 1919, shall have been made and shall be held by the Home Building Association such that the payments thereon to be

made to the Home Building Association aggregate not less than \$25,000.00, the Industrial Commission may cause the interest of the state in said contracts and in the payments therein contemplated and in the lands therein described to be assigned and conveyed to the State Treasurer.

§ 3. As soon as the State Treasurer shall receive any instruments delivered in pursuance of Section 2 above, he shall notify the Governor, the State Auditor and the Secretary of State, who shall each immediately inspect them. Thereupon the State Treasurer shall immediately prepare for issue, and the Governor and the State Treasurer shall thereafter issue, negotiable bonds of the State of North Dakota in an amount not exceeding the aggregate amount of the outstanding obligations secured by said mortgages and of the payments to be made under said sale contracts delivered to and in the possession of the State Treasurer, as above provided. Each of the bonds so issued shall contain a recital that it is issued, and that it is secured by assets of the Home Building Association of North Dakota deposited with the State Treasurer of North Dakota in pursuance of the provisions of this Act, which may be cited as the "Home Building Bond Act of North Dakota." Said bonds shall be executed by the Governor and the State Treasurer under the great seal of the State and shall be attested by the Secretary of State. The Auditor and Secretary of State shall endorse and sign on each bond, when issued, a certificate showing that it is issued pursuant to law and is within the debt limit. The bonds so issued shall be designated "Bonds of North Dakota, Home Building Series."

§ 4. The bonds so issued shall be payable to the purchaser or bearer; provided, however, that the provisions of Section 151, Compiled Laws of 1913, are hereby declared to apply to them. They shall be issued in denominations of from five dollars to ten thousand dollars, and shall be payable in not less than ten or more than thirty years from the passage of this Act; provided, however, that at the option of the Industrial Commission they shall be payable at any time after five years from the date of their issue, upon public notice given by the Industrial Commission that they shall mature and become payable at a date not less than one year from the time of the giving of such public notice. They shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable semi-annually on the first day of January and of July in each year; and coupons shall be attached to each bond, evidencing the amount of interest payable at each first day of January and July until maturity. Principal and interest shall be payable at the office of the State Treasurer in Bismarck. The term of said bonds, as to values of denominations, periods of maturity and rates of interest, shall be fixed by the Commission in its sound judgment, within the limitations above stated. Every such bond and coupon must be presented for payment at the office of the State Treasurer within six years from the date of its maturity; and no such bond or coupon

shall bear interest after maturity unless payment thereof shall not be made upon due presentation for payment.

§ 5. The said issue of bonds is authorized for the purpose of making delivery thereof to the Industrial Commission of North Dakota, as hereinafter provided, to the end that the said Commission, may, by negotiation and sale of said bonds, procure necessary fund for the Home Building Association of North Dakota, thus replacing in said Association the funds employed by it from time to time in conducting the enterprise and business established and directed by said Home Building Act.

§ 6. In furtherance of the purposes declared by this Act, it is hereby made the duty of the Governor and the State Treasurer after the issue, execution, sealing and attestation of said bonds, to deliver them to the Industrial Commission, in such denominations and amounts, bearing interest at such rates, and running to such period of maturity, as may be required by the Commission within the limitations hereinbefore stated. The Industrial Commission is empowered, authorized and directed, in connection with and in addition to its other powers and duties, to act as the agent of the state for the negotiation, sale and delivery of said bonds. It shall sell them at not less than par value for cash in such manner and at such times as in its sound discretion it shall deem most advantageous to the interest of the state. The Commission is hereby authorized to receive all moneys paid by buyers of said bonds, upon the sale thereof, and upon receipt of the purchase price to deliver to each purchaser the bonds by him purchased. Upon such delivery of bonds so purchased and paid for, the faith and credit of the State of North Dakota is pledged for the payment thereof, both principal and interest, to the lawful holder and owner thereof upon presentation for payment, according to law. The moneys so derived and received from the sale of said bonds shall be placed by the Industrial Commission in the funds of the Association. Nothing in this Act, however, shall be construed to prevent the purchase of any said bonds with any funds in the Bank of North Dakota.

§ 7. After such assignment of any mortgage, and the obligation thereby secured or of any sale contract, as above provided all payments accruing thereon shall be made to the State Treasurer. He shall hold and use said mortgages, obligations and contracts and the moneys paid thereon, and the interest of the State therein and in the lands thereby affected, in trust, first for the security and payment of the bonds to be issued as herein provided, and second, for redelivery to the Association of such remaining part or balance thereof as may come within the provisions hereinafter stated. He shall keep said moneys in a separate fund designated the "Home Building Bond Payment Fund," apart from all other funds in his possession. He shall also keep in said funds, as a part thereof, for the same purpose and in the same manner and under the same conditions, all moneys received by him, whether from the proceeds of taxes or from payments made by the Industrial Commission or from

legislative appropriation, or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of said bonds, or interest thereon. No other disposition, by appropriation or otherwise, shall ever be made of the moneys in said funds until said bonds shall be fully paid, or until the time limit by law for the payment thereof shall have expired; provided, however, that if any of said bonds issued and delivered to the Industrial Commission, as hereinbefore provided, shall be returned to the State Treasurer, not sold, then such returned bonds shall not be deemed a part of the bond issue secured by such fund.

§ 8. The State Treasurer shall pay the interest on said bonds upon presentation to him of the coupons for such interest when due, and shall redeem said bonds upon their maturity by paying the principal thereof, all such payments being made from the Home Building Bond Payment Fund, without auditor's warrant. Each payment so made, in addition to other accounting as provided by law, shall be reported to the Home Building Association. All moneys in said fund, or as much thereof as may be necessary, are hereby appropriated for the payment of the interest and the principal of said bonds, and this appropriation shall not be repealed; and no provisions made in this Act for the payment of said bonds and interest shall be discontinued until the debt evidenced by said bonds, both principal and interest, shall have been paid.

§ 9. If the obligation evidenced by any such mortgage or contract so assigned to the State Treasurer shall not be performed according to its terms by the party obligated to make such payments, or if any condition expressed in any such mortgage or contract shall not be duly performed and kept by such party according to its terms, the State Treasurer shall proceed to exercise the rights conferred upon him as the assignee of said mortgage or contract through the enforcement of its terms, by foreclosure or otherwise, for realizing upon or protecting the security afforded by said mortgage or for collecting the amount of the obligation thereby secured or for repossessing the state of the lands affected by such contract, or otherwise protecting and enforcing the rights of the state therein. If in so doing it shall become necessary for the State Treasurer to purchase the property mortgaged, or to repossess the lands affected, he shall take title thereto as State Treasurer and as trustee in trust for the security for payment of said bonds; and if title to any such lands shall be perfected in any State Treasurer by virtue of such proceedings, he shall apply to the District Court of the county in which such lands are situated for directions as to the further performance of the duties of his trust in the premises. The cash proceeds derived from the possession, use or sale of any such lands shall become a part of the said Home Building Bond Payment Fund.

§ 10. If, while any mortgage so assigned to the State Treasurer is in his hands, the note or obligation thereby secured shall have been fully paid according to its terms, or if any such sale contract

shall have been fully performed by the buyer, the State Treasurer shall immediately so certify to the manager of the Association. The State Treasurer shall also give information to the Association as to any proceedings which he may from time to time take respecting the enforcement and collection of the securities so assigned to him, not paid according to their terms.

§ 11. The State Treasurer shall from time to time, at the request of the Home Building Association, give information as to the amount of cash balance in his hands credited to said Home Building Bond Payment Fund. If such balance shall include funds received by him upon payment of the principal sum secured by any such mortgage, or upon the purchase price under such sale contracts, the Association may, to the extent of such principal sums so paid, substitute therefor new mortgages or new contracts by assignment thereof, together with the obligation thereby evidenced in the same manner and to the same effect as in the case of the mortgages, obligations and contracts originally assigned as the basis of the issue of such bonds, and upon such assignment and substitution of such new mortgages and contracts the State Treasurer shall pay to the Association the amount thereof, and such mortgages and contracts so substituted shall become and continue a part of the body of said trust, the same as the mortgages, obligations and contracts originally assigned to the State Treasurer therefor; provided, however, that unless the amount of the mortgages and contracts in such fund falling due before bonds secured thereby is sufficient to pay such bonds the Treasurer shall reserve sufficient cash for that purpose.

§ 12. All said bonds shall be exempt from the state, county and municipal taxes of any and all kinds.

§ 13. If at the time of the annual meeting of the State Board of Equalization, the moneys in the Home Building Bond Payment Fund shall appear to the State Treasurer to be insufficient to meet the payments of interest or principal upon said bonds accruing within a period of one year thereafter, he shall so inform the State Board of Equalization which shall thereupon proceed to include in the annual tax levy, such tax as in its judgment shall be necessary to meet the indicated deficiency, and the proceeds of such tax shall be placed by the State Treasurer in said fund.

§ 14. Whenever it shall appear that there are, in said Home Building Bond Payment Fund, funds which, with the mortgage securities and contracts, on hand, are more than sufficient to provide for the payment of all bonds and interest thereon outstanding, the excess of such funds requisite for that purpose shall be paid by the State Treasurer to the Home Building Association, if so directed by the Industrial Commission.

§ 15. The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed from time to time as occasion may arise under the terms

of this Act; provided, however, that at no time shall the amount of bonds issued and outstanding pursuant to the terms of this Act exceed the total of Two Million Dollars.

§ 16. There is hereby appropriated out of the general funds of the State, not otherwise appropriated, five thousand dollars, or as much thereof as may be necessary, to carry out the provisions of this Act.

Approved 9:10 p. m. December 11, 1919.

COMMISSIONER OF NOXIOUS WEEDS

CHAPTER 25.

[S. B. No. 16—Hemmingson.]

COMMISSIONER OF NOXIOUS WEEDS.

An Act to Amend and Re-enact Sections 625 and 626 of the Compiled Laws of North Dakota for the Year 1913; and to Amend and Re-enact Sections 624 and 627 of the Compiled Laws of North Dakota for the Year 1913, as Amended and Re-enacted by Chapter 252 of the Session Laws of North Dakota for the Year 1917.

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

§ 1. That Section 625 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 625. The Commissioner of Noxious Weeds shall diligently examine and investigate into the existence and introduction of sow thistles in his district and if any of such noxious weeds are found growing therein he shall take charge of all such as are growing upon highways and upon cultivated lands and prevent the same from going to seed, or otherwise spreading, and it shall be his duty to investigate and ascertain the best practicable methods for their destruction and he shall persistently apply at proper times such remedy or treatment as he shall deem best suited to prevent their spread and to eradicate the same, and he shall serve upon all persons, partnerships, firms, corporations and associations owning or controlling any lands where such noxious weeds are growing, written notice to destroy the same within a time specified in said notice; and, upon their failure to do so, he may enter upon any such lands for the purpose of destroying any sow thistles growing thereon.

§ 2. That Section 626 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 626. In case said sow thistles are found growing upon cultivated lands or lands sown to crop or upon which crops may be growing and the owner, agent or occupant thereof has failed to destroy the same as provided by in the preceding section; the Commissioner shall consult and advise with the owner, agent or occupant as to their treatment and if the said Commissioner shall deem it necessary and expedient for him to fully control the same, he shall agree with the owner, agent or occupant as to the boundaries of the tract so infected which it is expedient for him to control for the purpose of destroying such noxious weeds and shall mark the same by stakes and thereafter such infected tract, or as much as from time to time remains infected, shall be managed and controlled by the said Commissioner for the purpose of destroying said thistles and for so long a time for which it may be necessary to complete such work. In case the Commissioner and the owner, agent or occupant of said land cannot agree as regards the propriety of the Commissioner controlling such tract, or the boundaries of the same, the question shall be settled in the following manner:

The owner, agent or occupant of the land shall select one person to represent him, the Weed Commissioner shall select one to represent him and the two parties shall select a third party and these men so selected shall constitute a Board of Arbitration to settle all questions relating to the destruction of sow thistles, and there shall be no appeal from their decision; and the owner or occupant of such land shall pay all costs and expenses of labor for said extermination, which shall not exceed the sum of One Hundred Dollars for each One Hundred Sixty Acres or fraction thereof, in any one year, without the written consent of the County Commissioners and that the sum so expended shall be a lien upon said tract of land so infected and treated; and if the owner or occupant shall not pay the same to said Commissioner on or before the first Monday of December following, the Commissioner shall certify under oath to the County Auditor the amount so due on each tract; and it shall be the duty of said Commissioners to collect the same and to certify the amount to the County Treasurer, the same to be charged in the form of taxes against the land so infected and so treated.

§ 3. That Section 624 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 1 of Chapter 252 of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

§ 624. Whenever the Board of County Commissioners of any county is petitioned by at least one-sixth of the voters in such county, said Board shall appoint some competent person in each Commissioner's district of said county, who shall be styled Commissioner of Noxious Weeds, who shall take the oath required of county officers and shall hold his office for the term of one year, and until his successor is appointed and qualified. Each such Commissioner shall

receive for compensation the sum of five dollars per day for each day necessarily spent in the performance of his duties, and mileage at the rate of ten cents per mile for each mile necessarily traveled. The Board of County Commissioners may at any time for good cause remove any Weed Commissioner from office and appoint a successor to serve the remaining portion of his time, and it shall be the duty of said Board of County Commissioners to strictly enforce all of the provisions of Article 28 of Chapter 5 of the Political Code of the Compiled Laws of 1913.

And all the powers and duties of the Township Supervisors, City Council or Board of Trustees of any town or village, in said Article 28 are hereby transferred and made part of the duties and powers of the County Commissioners of each county.

§ 4. That Section 627 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 2 of Chapter 252 of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

§ 627. It shall be the duty of the Board of County Commissioners to pay out of the general fund the salary and mileage of the Commissioners of Noxious Weeds, and all expenses incurred for labor by said Weed Commissioner or Commissioners in the destruction of the noxious weeds and all expenses and disbursements incurred under the provisions of Article 28 of Chapter 5 of the Political Code of said Compiled Laws, upon verified vouchers duly audited and approved.

And the Board of County Commissioners in each county may appropriate and set aside a sum not exceeding five thousand dollars in each year, or so much thereof as is necessary to pay the salaries and expenses of the Commissioners of Noxious Weeds; and the Board is authorized to levy a sufficient tax on all taxable property for such purpose.

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

§ 6. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 9:55 December 11, 1919.

CONSTITUTIONAL AMENDMENTS

CHAPTER 26.

[S. B. No. 48—Ployhar.]

DEBT LIMIT OF POLITICAL SUBDIVISIONS.

Concurrent Resolution Amending and Re-enacting Chapter 91 of the Session Laws of 1919, Being a Concurrent Resolution to Amend Section 183 of

Article 12 of the Constitution of North Dakota, Providing for the Debt Limit of Any County, Township, City, Town, School District and Any Other Political Subdivision.

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

That the following amendment of Section 183 of Article 12 of the Constitution of the State of North Dakota be agreed to and submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of Section 202, as amended, of the Constitution of the State of North Dakota.

§ 1. AMENDMENT.] That Chapter 91 of the Session Laws of North Dakota for 1919, being a concurrent resolution to amend in accordance with the provisions of Section 202, as amended, of the Constitution of the State of North Dakota, Section 183 of the Constitution of the State of North Dakota, be amended and re-enacted to read as follows:

§ 183. The debt of any county, township, city, town, school district or any other political subdivision, shall never exceed five per centum upon the assessed value of the taxable property therein; provided that any incorporated city may, by a two-thirds vote, increase such indebtedness three per centum on such assessed value beyond said five per centum limit, and a school district, by a majority vote may increase such indebtedness five per cent on such assessed value beyond said five per centum limit; provided also that any county or city by a majority vote may issue bonds upon any revenue producing utility owned by such county or city, or for the purchasing or acquiring the same or building or establishment thereof, in amounts not exceeding the physical value of such utility, industry or enterprise. In estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount, exclusive of the bonds upon said revenue producing utilities, whether contracted prior or subsequent to the adoption of this constitution, shall be included; provided further that any incorporated city may become indebted in any amount not exceeding four per centum of such assessed value without regard to the existing indebtedness of such city for the purpose of constructing or purchasing waterworks for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purposes whatever. All bonds and obligations in excess of the amount of indebtedness permitted by this Constitution, given by any city, county, township, town, school district, or any other political subdivision shall be void.

Approved 9:05 A. M. December 12, 1919.

CHAPTER 27.

[H. B. No. 60—Delayed Bills Committee.]

DECLARING TIME WHEN LAWS BECOME EFFECTIVE.

An Act Declaring and Defining the Time Within Which Laws Passed at Any Special Session of the Legislative Assembly Shall Take Effect.

WHEREAS, the Constitution of this state fails to define time within which laws enacted at any special session shall take effect, and

WHEREAS, there should be some definite and certain time when such laws take effect, therefore

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

All Acts of any Special Legislative Assembly of the State of North Dakota shall take effect within ten days after the close of any such special session, unless the Legislature by a vote of two-thirds of the members present and voting in each house shall declare it to be an emergency measure, in which event it shall take effect and be in force from and after its passage and approval by the Governor.

Approved 7:10 p. m. December 11, 1919.

CHAPTER 28.

RESIDENCE REQUIREMENTS OF ELECTORS.

Concurrent Resolution for an Amendment to the Constitution, Relating to Residence Required of an Elector.

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

That the following amendment to the Constitution of the State of North Dakota be submitted to the qualified electors of the state at the next presidential primary election of the state to be held on the third Tuesday of March, 1920, for approval or rejection, in accordance with the provisions of Section 202, as amended, of the Constitution of the State of North Dakota:

AMENDMENT.] Every qualified elector who shall have resided in the state one year, and in the county ninety days, and in the precinct thirty days next preceding any election, shall be entitled to vote at such election; provided, that where a qualified elector moves from one precinct to another within the same county, he shall be entitled to vote in the precinct from which he moved, until he establishes his residence in the precinct to which he moved.

Approved 9:45 p. m. December 11, 1919.

CORPORATIONS

CHAPTER 29.

[H. B. No. 21—Whipple.]

CO-OPERATIVE ASSOCIATIONS.

An Act to Amend and Re-enact Sections 8 and 13 of Chapter 97 of the Laws of 1917 and Also Section 16 of Chapter 97 of the Laws of 1917 as Amended by Section 2 of Chapter 99 of the Laws of 1919, Relating to the Incorporation of Co-operative Associations; the Voting Powers Thereof; and Apportionment of Earnings.

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

§ 1. AMENDMENT.] That Section eight (8) of Chapter ninety-seven (97) of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

§ 8. STOCKS. VOTE.] No stockholder in any such association shall be entitled to more than one vote.

§ 2. AMENDMENT.] That Section Thirteen (13) of Chapter Ninety-seven (97) of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

§ 13. EARNINGS. APPORTIONMENT.] The directors, subject to revisions by the Association at any general or special meeting, shall apportion the net earnings, by first paying dividends on the paid-up capital stock, which shall not exceed eight per cent per annum. Next, an amount of the net earnings not exceeding 5 per cent of the gross sales or purchases of raw material or both may be set aside by the directors for educational purposes; the remainder, if any, shall be distributed by a dividend upon the amount of purchases or sales of raw material or both of shareholders or upon the above and either or both of the following items:

1. Wages and salaries of employees;
2. Purchases or sales of raw material or both of non-shareholders which shall be credited to such non-shareholders on account as payment or partial payment on the capital stock of the association. In productive associations such as creameries, canneries, elevators; factories and the like, dividends shall be on raw material delivered instead of on goods purchased. In case the association is both selling goods and buying raw products, the dividends may be on both raw material and on goods purchased. No dividends on purchases or sales of raw material or both need be paid or credited unless the dividend claimants keep and surrender the sales slip, coupon, or receipt record of such purchases or sales.

§ 3. AMENDMENT.] That Section sixteen (16) of Chapter Ninety-seven (97) of the Laws of North Dakota for the year 1917 as amended by Section Two (2) of Chapter 99 of the Laws of

North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 16. CO-OPERATIVE ASSOCIATIONS AND OTHER CORPORATIONS HERETOFORE ORGANIZED, MAY ADOPT PROVISIONS OF THIS ACT.] All co-operative corporations, companies, or associations heretofore organized and doing business under prior statutes, or which have attempted to so organize and do business, under prior statutes, or which have attempted to so organize, and do business, or prior to March 12, 1917, were organized under the general corporation laws of the state, and whose articles of incorporation or by-laws did then provide for distribution of any portion of earnings or profits upon a co-operative basis, shall have the benefit of all the provisions of this Act, and be bound thereby on filing with the Secretary of State a written declaration signed and sworn to by the president and secretary to the effect that said co-operative company or association has, by a majority vote of its stockholders, adopted at any time subsequent to March 12, 1917, decided to accept the benefits of and to be bound by the provisions of this Act. Any corporation organized under the laws of this state which shall by the unanimous vote of its stockholders amend its articles of incorporation so that they provide for the co-operative distribution of net earnings in compliance with the provisions of this Act shall have the benefit of and be bound by all the provisions of this Act, upon filing with the Secretary of State an affidavit of the president and secretary setting forth such amended articles of incorporation and stating that the same have been adopted by the unanimous vote of the stockholders. No association organized under this Act, or which has adopted the provisions of this Act, shall be required to do or perform anything not specifically required therein, in order to become a corporation or to continue its business as such.

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

Approved 11:10 A. M. December 10, 1919.

COURT STENOGRAPHERS

CHAPTER 30.

[S. B. No. 22—Fraser.]

SALARY.

An Act to Amend and Re-enact Section 780, Compiled Laws of North Dakota for the Year 1913, Relating to Compensation of Court Stenographers.

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

§ 1. Section 780, Compiled Laws of North Dakota for the

year 1913 is hereby amended and re-enacted to read as follows:

§ 780. AMENDMENT.] Each stenographer shall receive a salary of Two Thousands Dollars per annum, payable in equal monthly installments by the counties constituting the judicial district in which he is employed, which salary shall be apportioned according and in proportion to the number of suits entered and commenced in the district court of the respective counties of such district in the preceding year. It shall be the duty of the presiding judge in each judicial district on the first day of January of each year or as soon thereafter as may be to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. For making transcripts as herein provided he shall be entitled to receive such compensation as the judge shall allow, not exceeding fifteen cents for each folio of one hundred words, and the same, when ordered by the judge, shall be paid by the county chargeable with the costs of the action, and in all other cases by the party requesting such transcript.

Approved 11:30 A. M. December 10. 1919.

DAIRY INDUSTRY

CHAPTER 31.

[S. B. No. 30—Liederbach.]

PURCHASE OF CATTLE BY COUNTY.

An Act for the Purpose of Encouraging the Dairy Industry in the State; Authorizing Counties to Issue Bonds or Warrants and With the Proceeds to Purchase Dairy Cattle; Authorizing the Formation of Dairy Association; and Providing for Funds Necessary for Carrying This Act Into Effect.

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

§ 1. It shall be lawful for, and it shall be the duty of the County Board of Commissioners of any county, to issue bonds or warrants of the county under and pursuant to the provision of this Act; and with the proceeds derived from the sale thereof, to purchase cattle for dairy purposes and sell them to persons who have formed themselves into an association as hereinafter provided. Whenever any Board of County Commissioners shall be petitioned in writing by not less than fifty freeholders, residents in such county, then said board shall, at a meeting called as hereinafter provided, consider such petition and shall by a majority vote determine whether the prayer of the petitioners shall be granted. Such petition shall be filed with the County Auditor, and it shall be the duty of said officer to forthwith call a meeting of the Board of County Com-

missioners to consider such petition. Such bonds or warrants shall be in denominations of Five Hundred to One Thousand Dollars; shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually at such place and time as shall be determined by the Commissioners of Agriculture and Labor and the purchaser, and shall become due and payable in not less than five nor more than ten years from the date of issue.

§ 2. Such bonds shall be signed by the chairman of the Board of County Commissioners and be attested by the County Auditor, who shall affix the seal of the county thereto and shall have endorsed thereon a certificate signed by the County Auditor stating that such bonds are issued pursuant to law and are within the debt limit of the county.

§ 3. Immediately after it has been determined to issue bonds for any county, the County Auditor shall notify the Commissioner of Agriculture and Labor, giving full particulars. Thereupon, the Commissioner of Agriculture and Labor shall act for and on behalf of the Board of County Commissioners in the sale or disposition of any bonds to be sold. He shall receive sealed proposals for the purchase of such bonds or any part thereof, after giving at least ten days' notice in one leading daily newspaper within this state, in two leading daily newspapers without the state, and one newspaper within the county for which bonds are to be issued, together with such other publicity as in his discretion is deemed advisable. He shall sell the bonds of each county separately to the highest bidder for cash but he shall not sell them for less than par, and he may reject any or all bids or postpone the sale from time to time, not exceeding ten days, or in his discretion he may call for new bids, provided, however, that said Commission may sell or dispose of said bonds or any part thereof to the State of North Dakota or any board thereof or to the Bank of North Dakota, without receiving proposals therefor, or giving notice, as hereinbefore provided, but he shall not sell them for less than par; provided, further, however, that the Commissioner of Agriculture and Labor may make a reasonable allowance for printing, advertising, brokerage and attorneys' fees.

§ 4. The funds arising from the sale of said bonds or warrants shall be applied exclusively to the purchase of dairy cattle for members of said associations: provided, that the Board of County Commissioners shall determine the number of dairy cattle that each applicant shall receive, which shall not exceed five female cattle and not to exceed One Thousand Dollars (\$1,000.00) total value which shall include each applicants' pro rata share of the purchase price of the sire or sires. Provided, further, that the sire or sires procured for each association must be registered in the recognized herd book or said breed, must be free from transmittable diseases and be of the same bred as the other cattle procured for said association. Provided, further, the County Auditor shall inform each applicant of the number of dairy cattle that have been allowed by the Board

to said applicants, and take from him an acceptance in writing, in the form of an order, whereby he agrees, under the provisions of this Act, to take the number of dairy cattle allotted to him by the Board of County Commissioners. All such dairy cattle are to be bought by the State Dairy Commissioner or with his consent and approval and under such rules and regulations as he may prescribe.

§ 5. Ten or more persons, resident in any county, may form themselves into an association to be known as a Dairy Association. Every such Association must be authorized and numbered by the Board of County Commissioners and registered in the office of the County Auditor, and in the office of the State Dairy Commissioner. Such associations and members thereof shall be governed by such rules and regulations as may be prescribed by the Dairy Commissioner and approved by the County Commissioners. Such rules and regulations shall include provisions to the effect that all dairy cattle received by each member of any association as herein provided, shall be insured against death by fire and lightning; and that the females shall be bred only to pure bred sires of corresponding breed; and they shall not be subjected to avoidable exposure to such transmittable diseases as are common among dairy cattle, until the cattle so obtained are paid for in full. Provided, that there shall be reserved to any Dairy Association formed as herein provided, the right to make rules and regulations governing the sale or disposal of surplus increase, unproductive or unprofitable animals received through the provisions of this Act; provided, further, that such rules and regulations be approved by the Board of County Commissioners and that the proceeds from such sale or disposal shall be immediately paid to the County Treasurer and turned into the sinking fund as hereinafter provided. No persons shall become a member of such association who shall not agree in writing to comply with all rules and regulations prescribed and approved as herein provided, which agreement shall be binding until the full purchase price of all dairy cattle received by the signer has been paid; and no person shall become a member of such association without the written consent of two-thirds of all others proposing to form such an association, which agreement and consent shall be filed and recorded in the office of the County Auditor and in the office of the State Dairy Commissioner.

Each member of such association shall be jointly and severally liable for all contracts, debts, and obligations due to the county from his association to the extent of ten per cent in addition to the purchase price of such cattle as he shall receive under the provisions of this Act.

§ 6. Any member of a dairy association wishing to avail himself of the benefits of this Act may file, with the County Auditor, an application for dairy cattle, duly sworn to before said County Auditor or some other officer authorized to administer oaths. Such application shall contain a true statement of the number of acres applicant has plowed and prepared to crop; how many acres appli-

cant intends to have plowed for crop; how many bushels of grain the applicant harvested the preceding year; the amount and kind of feed that he has in his possession; and the number of kind of livestock he has in his possession. And such applicant shall state that he desires said cattle for dairy purposes, and that he will not sell or dispose of the same, nor their increase without the consent of the County Commissioners, and that he will plant at least five acres of corn per year for each dairy animal received until same has been paid for. Said application shall also contain a true and full description of all the real and personal property owned by the applicant and the incumbrances thereon.

All applications filed under the provision of this Act shall be consecutively numbered, designating the number of the association to which the member making the application belongs, shall be open to public inspection. The County Auditor of each county shall, as soon as the County Commissioners shall have performed the duties prescribed in this Act, issue to each applicant demanding it, an order for the number of dairy cattle which have been allowed to said applicant, provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, which contract shall have the same force and effect as a promissory note attested by the County Auditor to the effect that said applicant for and in consideration of the.....dairy cattle received from County promises to pay the said County Dollars, the amount of cost of said dairy cattle, with interest payable semi-annually.

The amount of such indebtedness shall become due and payable in not less than five years or more than ten years from the date of the order, and shall bear interest on such amount from the date of the bonds or warrants provided for herein, at a rate not to exceed six per cent per annum; provided, however, that the end of the third year from the date of such bonds or warrants, and any interest paying date thereafter that any member of a Dairy Association indebted to the county may take up his note wholly or in part by a payment or payments to the County Treasurer which shall aggregate the total amount which would otherwise become due the county on the date of maturity of such note, less the amount which the portion of the sinking fund so formed shall earn; provided, further, that such indebtedness, or the remainder thereof, shall be a first and valid lien upon said dairy cattle and their increase and shall have priority over all other liens and incumbrances thereon, and the filing and recording of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien upon said dairy cattle and their increases, which shall continue in force until the amount covered by the contract shall be fully paid.

Provided, further, if the applicant is a renter the owner of the land shall also sign the contract with him except in cases where an

exception is made by an order of the Board of County Commissioners.

If such indebtedness is not paid promptly when due, or if the sheriff shall have reason to believe that any one who having received aid under this Act is about to remove from the county or is about to sell and dispose of his cattle without first paying to the county the amount due, it shall be the duty of such sheriff to take and sell a sufficient number of said cattle of such applicant to pay such indebtedness, including the cost of seizure, in the same manner as is now provided by law in like cases.

It shall be the duty of the County Treasurer to collect said notes as they fall due and upon payment of same to satisfy the lien. It shall further be the duty of the County Treasurer to deliver to the State's Attorney a statement of all contracts and notes which remain unpaid when due, and it shall be the duty of the State's Attorney to immediately, in behalf of and in the name of said county, to commence an action for placing of said indebtedness in judgment, or for the foreclosure of the lien securing any of said notes in accordance with the laws providing for the foreclosure of liens or of mortgages.

§ 7. It shall be the duty of the State Dairy Commissioner or the Board of County Commissioners, to purchase only such dairy cattle as are most suitable for the locality in which they are to be used; and it shall be their duty to purchase same at the lowest price at which suitable dairy cattle can be obtained and to furnish same to applicants at the actual cost thereof, with transportation and handling charges added, and any person requiring or extorting from any applicant a greater price shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment or both. Any official or any agent of any official, who conspires with others to make any profit directly or indirectly out of the transaction for himself or for them, or accepts or extorts from any applicant a greater price than that authorized herein shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary for a term of not less than one nor more than five years.

§ 8. All money received by the County Treasurer in payment of debts incurred under the provisions of this Act shall be paid into and become a part of a sinking fund and be exclusively used in the payment of the bonds or warrants issued hereunder.

§ 9. Any member of any such association who, contrary to the provisions of this Act, sells, transfers, takes or carries away, or in any manner disposes of any of said dairy cattle or their increase, furnished by the county and under this Act, or shall use or dispose of said cattle or their increase, or any part thereof, for any other purpose than that provided for herein, shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than One Hundred nor more than One Thousand Dollars or may

be imprisoned in the county jail for a term of not less than ninety days.

§ 10. The State Dairy Commissioner shall, in addition to his other regularly prescribed duties, have general supervision of carrying into effect the provisions of this Act, and he shall receive an annual salary of One Thousand Dollars (\$1,000.00) in addition to his salary as State Dairy Commissioner. He shall prepare and give general publicity to the residents of this state, a summary statement of the provisions of this Act, and the manner in which such residents may avail themselves of its benefits. He shall advise and assist in the organization and management of Dairy Associations as herein described; he shall co-operate with the Commissioner of Immigration by compiling and giving publicity to such data and reports as will encourage the development of the dairy industry within the state. He shall prepare such uniform blanks as he shall deem necessary for the purpose of this Act and supply same to the County Auditor of any county issuing bonds or warrants.

§ 11. There is hereby transferred to the State Dairy Commissioner from any moneys in the State Treasury, which now are or hereafter may be credited to the Commissioner of Immigration under Chapter 146 of the Laws of 1919, an amount not to exceed Five Thousand Dollars (\$5,000.00) annually, or so much thereof as shall be necessary for carrying into effect the provisions of this Act.

Approved 8:45 A. M. December 12, 1919.

ELECTIONS

CHAPTER 32.

[S. B. No. 9—Bowman.]

ABSENT VOTERS.

An Act to Amend and Re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, Relating to Absent Voters and Defining Absent Voters and Declaring an Emergency.

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

§ 1. AMENDMENT.] Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

ARTICLE 16. "The term 'Absent Voter' as used herein shall mean any qualified elector of this state who is absent from the county of which he or she is an elector on the day of holding any general, special, state or primary election; or any woman qualified as an elector of this state who resides one-half mile or more from the polling place of her voting precinct. Any such elector may vote as hereinafter provided."

§ 993. At any time within thirty days next preceding any such election, any voter designated in the next preceding section may make application to the County Auditor of the county in which he or she resides for an official absent ballot to be voted at such an election.

§ 994. For general, special, state or primary elections there shall be prepared and printed for each precinct, an official ballot to be known as the absent voter ballot, which ballot shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballot, except that they shall be printed upon tinted paper of a tint different from that of the sample ballots.

§ 995. Application for such ballot shall be made on a blank to be furnished by the County Auditor of the county in which the applicant is an elector, and shall be substantially in the following form:

I,, a duly qualified elector of the township of, or of the village of or of the precinct of the ward of the city of, in the county of and state of North Dakota, and to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from the said county on the date for holding such election, or residing one-half mile or more from the polling place in my voting precinct, hereby make application for an official absent voter ballot to be voted by me at such election.

Date
(Signed)
Postoffice Address

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

§ 996. Such application blank shall upon request therefor, be sent by such County Auditor to any absent voter by mail, or shall be delivered to any voter upon application made personally at the office of such Auditor.

§ 997. Upon receipt of such application properly filled and duly signed, or as soon thereafter as the official absent voter ballot for the precinct in which the applicant resides has been printed, the said County Auditor shall send to such absent voter by mail, postage prepaid, one official absent voter ballot, or if there be more than one such absent voter ballot to be voted by an elector of such precinct, one of each kind, and shall enclose with such ballot or ballots an envelope to be furnished by such Auditor, which envelope shall bear upon the front thereof the name, official title and postoffice address of such County Auditor and upon the other side a printed affidavit in substantially the following form:

State of }
 County of } ss.

I,, do solemnly swear that I am a resident of the township of, or the village of, or of the precinct of the ward in the city of residing at in said city, county of and state of North Dakota, and to the best of my knowledge and belief entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence on the day of holding such election and that I will have no opportunity to vote in person at the polling place in said precinct on that day; or that I am a woman and reside one-half mile or more from the said polling place.

Subscribed and sworn to before me this day of, 19....; and I hereby certify that the affiant exhibited the enclosed ballots unmarked, and that he or she then in my presence and in such manner that I could not see his or her vote, marked such ballot and enclosed and sealed the same in this envelope; and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.....

Provided, that if the ballot enclosed is to be voted at a primary election the affidavit shall state the name of the political party with which the absent voter is affiliated.

Provided, further, that if such absent voter is unable to sign his or her name, he or she may sign with an "X" mark, and the officer taking such affidavit shall sign such voter's name, and shall state the reason for such affidavit being signed in such manner in his certificate attached to such affidavit.

§ 998. Such absent voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths and who has an official seal, and such absent voter shall thereupon, in the presence of such officer, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots shall thereupon, in the presence of such officer, be folded by such voter so that each ballot will be separate, and so as to conceal the vote, and shall in the presence of such officer be deposited in the envelope hereinbefore required to be provided, and the same securely sealed.

Provided, that such absent voter may have to assist him or her in the preparation and marking of such ballot one person, to be by such voter selected, but who shall not be an official representative or a member of any committee of any political party having a candidate or candidates in such election, and whose assistance shall be rendered in the presence of such officer and no other person.

§ 1000. In case such envelope is received by such Auditor prior to the delivery of the sealed package containing the official ballots to the Inspector of Elections of the precinct in which such absent voter resides, such ballot, envelope and application sealed in such envelope shall be enclosed in such package and delivered therewith to the Inspector of such precinct. In case the official ballots for such precincts shall have been delivered to such inspector of elections at the time of the receipt by the Auditor of such absent voter ballot, such Auditor shall immediately enclose such application and such ballot with the envelope containing such ballot unopened, in a larger envelope, which shall be securely sealed by him and endorsed on the front with the name, official title, name of precinct and the postoffice address of the Inspector of Elections of the precinct in which such absent voter resides; and also the words "This envelope contains an absent voter ballot and must be opened only on election day, at the polls, while the same are open;" and the Auditor forthwith shall mail the same, postage prepaid, to such inspector of elections.

§ 1001. At any time between the opening and the closing of the polls on such election day, the inspector of judges of election of such precinct shall first open the outer envelope only, and compare the signature of such voter to such application with the signature to such affidavit. In case the judges find that the affidavit is sufficient, that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct, and has not voted at such election, they shall open the absent voter envelope, in such manner as not to destroy the affidavit thereon, and shall take out the ballots therein contained, and without unfolding the same or permitting the same to be opened, or examined, and having endorsed the same in like manner as other ballots are endorsed, shall deposit the same in the proper ballot box or boxes, showing by the records of such election such elector to have voted. In case it is found that such affidavit is insufficient, that the said signature does not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but, without opening the absent voter envelope, the Election Inspector or a judge of such election shall mark across the face thereof, "Rejected as defective," or "Rejected as not an elector," as the case may be. The absent voter envelope, when such absent vote is voted, and the absent voter envelope with its contents unopened, when such absent vote is rejected, shall be deposited in the ballot box containing the general or party ballots as the case may be, and retained and preserved in the manner now by law provided for the retention and preservation of official ballots voted at such election:

Provided, that in all cases of absent voting, the affidavit hereinbefore required to be sworn to by the elector, shall serve all the purposes of the registration of such elector as in this Chapter prescribed.

§ 1002. Nothing in this article contained shall be construed so as to prevent any qualified elector who has voted an absent voter ballot from voting on election day at the polling place in his or her voting precinct, provided that such absent voter ballot has not already been deposited in the ballot box.

§ 1003. It shall be the duty of the Secretary of State, County Auditor, or any other officer by law required to prepare any general or primary election ballot, to prepare and have printed and delivered to the County Auditor, at least fifteen days prior to the holding of such election, a number of absent voter ballots, which shall not be less than one-half the number of voters in such county voting at the next previous election, and shall be sufficient for the use of all the voters likely to vote as absent voters in such county.

§ 1004. If any person shall wilfully swear falsely to the affidavit in Section 997 provided for, upon conviction thereof he shall be deemed guilty of perjury and shall be punished as in such cases by law provided. If the Secretary of State, the County Auditor or any election officer shall refuse or neglect to perform any of the duties prescribed by this article, or shall violate any of the provisions thereof, or if any officer taking the affidavit provided in Section 997 shall make any false statement in his certificate thereto attached, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding One Hundred Dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

Approved 11:15 A. M., December 13, 1919.

CHAPTER 33.

[H. B. No. 42—Malone.]

PRECINCT DEFINED.

An Act Defining the Word "Precinct" as Used in the Laws of the State of North Dakota Relating to Elections and Providing for the Formation of Voting Districts and the Designation of Voting Places Within Such Voting Districts.

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

§ 1. PRECINCT DEFINED.] Wherever in the Laws of the State of North Dakota relating to elections it is provided that a person in order to be a qualified elector at any election, shall have resided in the state one year, and in the county six months, and in the precinct ninety days next preceding any election, the word "precinct" is hereby defined and declared to mean the township, village, city or unorganized territory in which the person desiring to vote shall reside; and a person shall be deemed to be a qualified elector if, having the other qualifications prescribed by law, he shall have

resided in the state one year, and in the county six months, and in such township, village, city or unorganized territory for ninety days next preceding any election. Wherever else in the Laws of the State of North Dakota relating to elections the word "precinct" is used, it is defined and declared to mean and to be synonymous with the words "voting district" as hereinafter in this Act defined and provided for.

§ 2. VOTING DISTRICTS—HOW FORMED.] The Board of County Commissioners of each county in the state shall, at its first session after the taking effect of this Act, divide its county into voting districts and establish the boundaries of the same. The entirety of civil townships, cities or villages as voting districts shall be preserved when possible, except when such preservation would be in conflict with the provisions of this Act. In such case the civil township, city or village, except as hereinafter provided, shall be divided into two or more voting districts, but in no case shall a voting district be composed of parts of two civil townships, or part of a township and city or village, except as hereinafter provided. No voting district shall contain more than five hundred electors. The Board of County Commissioners of each county in this state shall, at its first session after the taking effect of this Act, in dividing the county into voting districts, use as a basis for determining the number of electors residing in any given territory, the total number of electors within such territory who voted at the general election held in November, 1918. If at any election hereafter held more than five hundred votes shall be cast in any voting district, it shall be the duty of the Inspector in such voting district to report such fact to the Board of County Commissioners, which Board shall at its next regular meeting, divide such voting district as nearly as possible, so that the new voting districts formed therefrom shall each contain five hundred electors, as nearly as practicable.

§ 3. VOTING PLACES—HOW DESIGNATED.] At the meeting of the Board of County Commissioners of each county at which such Board shall divide its county into voting districts as hereinbefore provided for, the said Board shall designate one voting place in each voting district, provided, however, in case such voting place so designated becomes removed, destroyed or unavailable for any cause between the date when any regular or special meeting of the Board of County Commissioners is held and the date of any election if such voting districts be in a township, it shall be the duty of the Board of Supervisors to hold a meeting and designate by resolution and record on the township clerk's minute book a voting place at which such election shall be held, which voting place so designated shall continue to be the voting place of such voting district until the next meeting of the Board of County Commissioners, when said Board of County Commissioners shall designate a voting place as herein provided; further, when a voting place designated by the Board of County Commissioners becoming removed, destroyed or unavailable is located within the limits of an incorporated town,

village or city, such designation of a voting place shall be made by the Board of Trustees of the town or village, or by the City Council or Board of City Commissioners in case of a city, instead of the Board of Supervisors, and a record thereof shall be made in the record books of such municipality. Provided, further, that when a voting place designated by the Board of County Commissioners in a voting district composed of unorganized territory is removed, destroyed, or unavailable, such designation of a voting place shall be made by the Inspector of Elections for said voting district. The voting place in the town, village, city or unorganized voting district so designated shall be used as such until the Board of County Commissioners designates at its next succeeding meeting a voting place as herein provided. The voting place in each voting district designated by the Board of County Commissioners at its first meeting after the taking effect of this Act shall continue to be the voting place of such district until changed by the Board of County Commissioners, or as hereinbefore provided. The Board of County Commissioners shall have authority to change any voting place in any voting district at any regular or special meeting. Nothing in this Act shall be construed as prohibiting townships adjoining or having within their boundaries an incorporated city, town or village, of less than fifteen hundred inhabitants, from holding their election and having their voting place within the corporate limits of such city, town or village, providing the Board of County Commissioners, or, in case the place designated by the Board of County Commissioners becomes removed, destroyed or unavailable for any cause between the date when any regular or special meeting of the Board of County Commissioners is held and the date of any election, the Board of Supervisors of the township, shall designate a place within such city, town or village as the voting place for such township. Provided, further, that when the combined vote of any township and incorporated city, town or village, or the combined vote of any township and any portion of any incorporated city, town or village, within its boundaries, or within the town lines or section lines which form the boundaries thereof, does not exceed five hundred, such township and incorporated city, town or village may have but one voting place.

§ 4. REPEAL.] All Acts and parts of Acts in conflict with this Act, and especially Chapter 147 of the Laws of North Dakota for 1915, are hereby repealed.

§ 5. EMERGENCY.] Whereas, there is now no statute defining the word "precinct" as used in the various sections of the laws of the State of North Dakota with reference to elections, and by reason of the construction of the laws using such word by election officers a large number of persons who have resided for many years in the cities, towns, townships or villages in which they live, but may move from one voting district to another within ninety days preceding an election are thus deprived of the right of suffrage, it is necessary for the immediate preservation of the public peace, health and safety that

this Act shall become effective without delay, an emergency exists, and this Act shall be in full force and effect from and after the date of its passage and approval.

Approved 11:20 A. M. December 10, 1919.

EMERGENCY COMMISSION

CHAPTER 34.

[H. B. No. 36—Walker,]

MEMBERSHIP.

An Act to Amend and Re-enact Section 1 of Chapter 152 of the Session Laws of 1915, Relating to the Emergency Commission, and Membership Thereof.

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

§ 1. That Section 1 of Chapter 152 of the Session Laws of 1915, is hereby amended and re-enacted to read as follows:

§ 1. AMENDMENT.] EMERGENCY COMMISSION. DUTIES. An Emergency Commission consisting of the Governor, the Commissioner of Agriculture and Labor and the Secretary of State is hereby established, which shall exercise the powers and perform the duties imposed upon it by law. The Governor shall be chairman of the Board, and the Secretary of State the secretary. The Emergency Commission shall meet upon the call of the chairman thereof. The proceedings of the Emergency Commission shall be entered in a record book, or a minute book, and no order of the Emergency Commission shall be valid unless so entered.

Approved 11 A. M., December 10, 1919.

EQUALIZATION BOARD

CHAPTER 35.

[S. B. No. 26—Olson.]

MEMBERSHIP.

An Act to Amend and Re-enact Section 2141 of the Compiled Laws of North Dakota, for the Year 1913, Providing for the Substitution of the Commissioner of Insurance as a Member of the State Board of Equalization and as Secretary Thereof Instead of the State Auditor.

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

§ 1. Section 2141 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted so that the same shall read as follows:

§ 2141. STATE BOARD OF EQUALIZATION. HOW CONSTITUTED. MEETINGS. RULES FOR EQUALIZING.] The Governor, Commissioner of Insurance, State Treasurer, Attorney General and Commissioner of Agriculture and Labor shall constitute the State Board of Equalization, a majority of which shall constitute a quorum for the transaction of business. The Governor shall be ex-officio president of said Board, and the Commissioner of Insurance shall act as secretary. The said Board shall meet annually on the first Tuesday in August, at the office of the Commissioner of Insurance, and shall then examine and compare the returns of the assessment of the property in the several counties of the state, and proceed to equalize the same, so that all taxable property in the state shall be assessed uniformly, and at its true value in money. In the performance of their duties they shall be governed by the following rules:

1. They shall raise the valuation of each class of personal property of every county, which in their opinion is returned below its true and full value, to such price and sum as they believe to be the true and full value thereof.

2. They shall reduce the valuation of each class of personal property enumerated in Section 2103 of every county, which in their opinion is returned above its true and full value to such price and sum as they believe to be the true and full value thereof.

3. They shall add to the aggregate valuation of the property of every county which they believe to be valued below its true and full value in money, such per centum in each case as will bring the same to its true and full value in money.

4. They shall deduct from the aggregate valuation of the property of every county, which they believe to be valued above its true and full value, such per centum in each case as will reduce the same to its true and full value in money.

5. They shall not reduce the aggregate valuation of all the property in the state, as returned by the several County Auditors, more than one per centum on the whole valuation thereof.

6. Upon the completion of such equalization and determination of the aggregate valuation of all the property in the state, the said Board shall then decide upon the rate of the state tax to be levied for the current year, together with any other general or special state taxes required by law to be levied.

§ 2. All Acts or Parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved 2:10 P. M. December 11, 1919.

FALSE STATEMENTS

CHAPTER 36.

[S. B. No. 20—Bowman.]

DEFINING AND FIXING PENALTY

An Act Making It a Felony for Any State Official to Wilfully Publish False Statements With Reference to Any State Department, Institution or Industry and Providing the Manner in Which Such Cases Under the Provisions of This Act Shall Be Tried and Providing the Penalty Therefor.

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

§ 1. No state official shall wilfully publish any false statement in regard to any of the state departments, institutions or industries which said false statements shall tend to deceive the public and create a distrust of the state officials or employees in charge of such departments, institutions or industries, or which tends to obstruct, hinder and delay the various departments, institutions and industries of the state.

§ 2. The District Court in any county in the state where any such false statements shall have been uttered or otherwise published, shall have jurisdiction to try any case brought under the provisions of this Act.

§ 3. In all prosecutions under the provisions of this Act and tried by a jury such jurors shall be selected from various parts of the county in which such case shall be tried.

§ 4. Any person violating the provisions of this Act shall be deemed guilty of a felony and shall be punished by imprisonment in the state penitentiary for a term of one year or by a fine of Five Hundred Dollars (\$500.00), or both.

§ 5. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved 9:15 P. M. December 11, 1919.

FERRIES

CHAPTER 37.

[S. B. No. 49—King.]

LICENSE.

An Act to Provide for the Licensing of Ferries; the Collection of Fees Therefor and the Disposition Thereof; to Provide Penalties for the Violation Thereof; and to Repeal Section 2062 of the Compiled Laws of

North Dakota for the Year 1913, as Amended by Chapter 129 of the Laws Passed at the Sixteenth Session of the Legislative Assembly, Being the Session Laws of 1919, Section 2063, 2067, 2068 and 9777 of the Compiled Laws of the State of North Dakota for the Year 1913, and All Other Acts or Parts of Acts in Conflict with the Provisions Thereof.

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

§ 1. It shall be unlawful for any person to establish, maintain or run upon any navigable waters within this state any ferry upon which to convey, carry or transport any person or property for hire or reward, without having first obtained a license therefor as hereinafter provided.

§ 2. The Board of Railroad Commissioners of the State of North Dakota is hereby authorized to grant licenses for the operation of ferries upon such waters for a term not to exceed fifteen years to such person or persons as shall apply therefor; and where but one bank or shore of such water is within the boundaries of this state, the Board of Railroad Commissioners shall have the same authority and this law shall apply with like effect as if the entire stream were within this state; insofar as the banks or shores and waters actually within it are concerned; provided, that no exclusive license shall be granted, and provided further, however, that the Board of Railroad Commissioners shall have the right to reject any further application when the public convenience shall not require the establishment of an additional ferry or ferries, after one license shall have been granted for the operation of a ferry upon the same highway; and provided further, that two ferry boats may be operated under one license.

§ 3. An application for a license under the provisions of this Act shall be filed with the Board of Railroad Commissioners of the State of North Dakota and the applicant, at the time of filing such application; shall pay to the State Treasurer the sum of Twenty-five Dollars, which sum shall be refunded by warrant of the State Auditor drawn upon the State Treasurer in the event of the rejection of such application by the Board of Railroad Commissioners. A licensee shall pay to the State Treasurer a like sum annually in advance during the term of his license and in the event of such licensee's failure so to do his license shall thereby become void.

§ 4. All moneys received by the Board of Railroad Commissioners for ferry licenses as aforesaid shall be apportioned among the several districts of the state for the use of the public schools of the state in like manner as other funds are now by law apportioned.

§ 5. Except as otherwise provided by law, the Board of Railroad Commissioners shall have the right to fix such rates of ferriage as in its judgment may seem just.

§ 6. Every person who shall maintain or operate any ferry upon any navigable waters within this state, without having first

obtained a license from the Board of Railroad Commissioners as hereinbefore provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Fifty Dollars, nor more than Five Hundred Dollars for each year or fractional part of a year that such person shall have operated such ferry.

§ 7. Section 2062 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 129 of the Laws passed at the Sixteenth Session of the Legislative Assembly, being the Session Laws of 1919, Sections 2063, 2067, 2068, and 9777 of the Compiled Laws of North Dakota for the year 1913 and all other Acts or parts of Acts in conflict with the provisions hereof are hereby repealed.

Approved 8:40 A. M. December 12, 1919.

HAIL INSURANCE

CHAPTER 38.

[S. B. No. 51—Ingerson.]

HAIL INSURANCE.

An Act to Amend and Re-enact Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 of Chapter 160, Session Laws of 1919, Regular Session, Establishing a System of Hail Insurance, and Hail Insurance Department in the Office of the Commissioner of Insurance.

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

§ 1. AMENDMENT.] That Sections 3, 5, 9, 11, 12, 13, 16, 17, 23 and 24 as amended by Chapter 160, Session Laws for the Year 1919, be amended and re-enacted to read as follows:

§ 2. AMENDMENT.] That Section 3, Commissioner to Employ Help, be amended to read as follows:

§ 3. COMMISSIONER TO EMPLOY HELP.] The Commissioner of Insurance shall have authority to employ all necessary assistants, to provide for and furnish all necessary supplies, to appoint a manager, subject to the approval of the Governor, and a chief inspector and such other deputy inspectors as may be necessary to carry out the provisions of this Act; to appoint a chief clerk and as many adjusters and assistants as may be necessary to adjust all claims for losses from hail. The Commissioner of Insurance shall designate the duties and fix the compensation of all such employees, and may remove any or all of them with or without cause. Such compensation together with all other expenditures for the operation and maintenance of the Hail Insurance Department shall remain within the appropriation and surplus available in each year for such purposes, and shall not exceed the sum of One Hundred Thousand Dollars

per annum. The Commissioner of Insurance shall pay all salaries and expenses of the Department after March 1st, 1920, and reimburse the general fund of the state out of the Hail Insurance Fund for all money appropriated, expended or disbursed on behalf of such Department.

§ 3. AMENDMENT.] That Section 5, Crops Insured, be amended to read as follows:

§ 5. CROPS INSURED.] The crops insured under this Act shall consist of all crops grown on cultivated land actually cropped, subject to and paying the taxes herein specified, provided that no loss shall be allowed or paid for damage to crops after they have been harvested or that occur after the 15th day of September of any year, nor shall damages be paid on any crops (except fall or winter grains), prior to June 10th of each year.

§ 4. AMENDMENT.] That Section 9, Duty of Assessors, be amended to read as follows:

§ 9. DUTY OF ASSESSORS.] It shall be the duty of every county and township assessor in his respective district at the time of listing property for assessment, to return the number of tillable acres in every tract, parcel or sub-division of land subject to taxation, together with the name of the person in whose name the land is taxed, and also the number of acres of such land, if any, in crop or to be sowed or planted to crop during such year, and shall return and file the same with the County Auditor of such county on or before the first day of June of each year. Such assessor in addition to the compensation allowed by law shall receive the sum of Fifteen Dollars (\$15.00) for each full township of thirty-six (36) sections, or at the rate of Seven Cents (7c) per hundred acres or fraction thereof listed, whether tillable or not. Such compensation shall be paid out of the Hail Insurance Fund on vouchers issued by the Commissioner of Insurance and approved by the State Auditor.

§ 5. AMENDMENT.] That Section 11, Crop Affidavit, be amended to read as follows:

§ 11. CROP AFFIDAVIT.] Any owner or his agent or the occupant or other tenant of any land insured by the provisions of this Act shall make an affidavit that the land so insured is actually cultivated and in crop or intended to be cultivated and to be put into crop. Such affidavit shall contain a legal description of the land together with the number of acres claimed as cropped land and in case of any loss by hail, such owner shall be bound by said affidavit as to the number of acres cropped. Such affidavit shall be made in duplicate and may be sworn to before the Assessor or any person authorized to administer oaths. The Assessor shall file the original of such affidavit with the County Auditor on or before the first day of June of each year, and a copy of such affidavit shall be left with the maker and shall constitute his policy of insurance. If the owner be absent or refuses or neglects to furnish such affidavit the Assessor shall certify the number of acres cropped, the description of the said land and the name of the owner, and file the same with the County

Auditor, and such owner shall be bound by such certificate as to the facts so certified.

§ 6. AMENDMENT.] That Section 12, Withdrawal, be amended to read as follows:

§ 12. WITHDRAWAL.] Any owner of land liable to the indemnity tax herein provided for, may at any time prior to the 15th day of June in each year, withdraw any portion or all land owned by such person for the levy of said indemnity tax upon the making of an affidavit in duplicate, giving the legal description of the land, the number of acres withdrawn and stating that he desires to withdraw therefrom, and filing such affidavit with the Commissioner of Insurance and a copy thereof with the County Auditor and the County Auditor shall note upon his crop listing affidavit the number of acres and legal description of land so withdrawn. Should such owner wish to withdraw all his land subject to indemnity tax, then he shall surrender also the crop listing affidavit and file same together with application for withdrawal with the County Auditor. Provided that in case said land or any portion thereof is rented, such owner shall first procure the written consent of such tenant for such withdrawal, such consent to be filed with the County Auditor together with owner's application for withdrawal; provided that the owner shall have a first lien upon all crops belonging to the tenant grown upon the land as security for the payment of said tax or the part of such tax properly chargeable against the tenant's share of such crop, such lien to be self-executing and be chargeable against tenant's hail indemnity as well as against the grain, in case of loss.

§ 7. AMENDMENT.] That Section 13, Filing Affidavits by County Auditor, be amended to read as follows:

§ 13. FILING AFFIDAVITS BY COUNTY AUDITOR.] Each County Auditor shall file and keep the affidavits presented to him by assessors, and shall forward the duplicates thereof on or before the 15th day of July of each year, to the Commissioner of Insurance at Bismarck, together with a tabulated statement showing the total number of acres classified as tillable land and crop land in his county. Any County Auditor who shall fail or neglect to make returns, statements and reports to the Commissioner of Insurance at the time specified in this section shall forfeit the sum of Ten Dollars per day during the time he neglects to make such returns, statements or reports and it shall be the duty of the Attorney General to proceed to collect the amount of such penalty from any delinquent Auditor.

§ 8. AMENDMENT.] That Section 16, Notice of Loss, be amended to read as follows:

§ 16. NOTICE OF LOSS.] Any person claiming a loss by hail under this Act shall notify the Commissioner of Insurance by registered mail or telegram within three days thereafter. Such notice shall give the legal description of the land; the interest in such crop which he claims; the name and postoffice address of the person liable for the tax on the land; the name and postoffice address of any

other person claiming any interest in the crop or indemnity; the date of the loss and the per cent of the damage claimed. The Commissioner shall, as soon as possible after receiving such notice of loss, direct an official adjuster to visit the place of loss and proceed to estimate and adjust such loss.

§ 9. AMENDMENT.] That Section 17, Adjustment of Claims, be amended to read as follows:

§ 17. ADJUSTMENT OF CLAIMS.] In making adjustments of claims it shall be the duty of the Adjuster to inspect the crops on which damage is claimed and he shall have the authority, if deemed necessary, to call witnesses to testify as to the condition of the crop before and after the loss. It shall be the duty of the adjuster, wherever possible, to secure the written concurrence of the claimant or his legal representative in the award made by the Adjuster of the claim, and to immediately forward same to the Commissioner of Insurance. In case the claimant does not concur in the findings and award of the Adjuster, the Adjuster shall immediately notify the Commissioner of Insurance of such fact, and upon request of claimant duly made upon blanks furnished by the Department for that purpose, or by notice in writing, the Department through its authorized adjuster or adjusters, shall re-inspect the crops claimed to have been damaged, and if upon such re-inspection the insured still refuses to concur in the adjustments as found by the Inspector, then the Inspector shall, upon like request of claimant in writing, appoint one disinterested person and the claimant shall appoint one disinterested person, and these two shall appoint a third person, and a finding of the majority of the three so appointed shall be final and binding upon the State Hail Insurance Department and the claimant. If the finding be more than the amount allowed by the inspector the expenses of such adjustment shall be paid by the Commissioner of Insurance as other expenses of this Department are paid, otherwise the expenses of such adjustment, including witness fees, if necessary, shall be borne by the claimant. The fee to be paid witnesses and arbitrators under this section shall be the same as those allowed to witnesses in civil actions.

§ 10. AMENDMENT.] That Section 23, Hail Insurance Fund, be amended so as to read as follows:

§ 23. HAIL INSURANCE FUND.] All moneys collected under the provisions of this Act shall be deposited with the State Treasurer and shall be kept in a separate fund to be designated "State Hail Insurance Fund," and all expenses of conducting the department and all losses provided for under the provisions of this Act shall be paid out of said Fund, as hereinbefore provided; and all of said moneys so collected are hereby appropriated for the purpose of carrying out the provisions of this Act. Provided, that the Commissioner of Insurance, with the assistance of the Industrial Commission, shall have the power to negotiate or float a loan, if found to be advisable, whereby the State Hail Insurance Fund could pay its obligations in cash upon certification of the Commissioner of

Insurance to the State Auditor and approval of the Governor, as provided in Section 21 of this Act.

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

Approved 10:30 P. M. Dec. 11, 1919.

HOME BUILDING ASSOCIATION

CHAPTER 39.

[S. B. No. 34—Benson.]

HOME BUILDING ASSOCIATION.

An Act to Amend and Re-enact Section 12 of Chapter 150 of the Laws of North Dakota for the Year 1919, Being an Act Declaring the Purpose of the State of North Dakota to Engage in the Enterprise of Providing Homes for Residents of This State and to That End to Establish a Business System Operated by the State Under the Name of the Home Building Association of North Dakota; Defining the Scope and Manner of Its Operations and the Powers and Duties of the Persons Charged With Its Management; Making an Appropriation Therefor; and Providing That the Association May Retain the Title to Property When More Than Twenty Per Cent Has Been Paid Thereon and Give the Buyer a Contract for a Deed Therefor; and Declaring This Act to Be an Emergency Measure.

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

§ 1. That Section 12 of Chapter 150, of the Laws of North Dakota for the year 1919, be and the same is hereby amended, and re-enacted, as follows:

§ 12. Whenever a member of a Home Buyers' League shall have deposited with the Association a sum equal to twenty per cent of the total selling price of a home or farm home, the Association shall, upon his application, purchase or build such home or farm home and convey it to him upon a cash payment of twenty per cent, the balance to be secured by a purchase money mortgage on the property, or the Association may retain the title to the property and give the buyer a contract for deed therefor. Every such contract may be recorded in each county in which the lands therein described are situated. In either case the balance due is to be paid on an amortization plan by means of a fixed number of monthly installments sufficient to cover, first, a charge on the loan, at a rate to be determined by the Industrial Commission, second, a charge for administration and surplus at a rate not exceeding one per cent

per annum on the unpaid principal, said two rates combined constituting the interest rate on the deferred payments; and third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than ten or more than twenty years. Additional payments may be made on any regular installment date, under the rules and regulations of the Industrial Commission. In case of any accident, crop failure or other event, which reduces the buyer's reasonable income by one-half, all payments under such contract may in the discretion of the Industrial Commission be extended from time to time for a period of one year; provided, however, that on the payment of all installments such further annual payments shall be payable as will pay the interest, with interest thereon, for the years for which no payments were made.

Every mortgage referred to in this Section, and the note or other obligation thereby secured shall run to "The Manager of the Home Building Association of North Dakota, his successors in office or his assigns," as payee and mortgagee, and each shall contain a recital that it is executed and delivered in conformity with and upon the conditions expressed in this Act. Every such mortgage shall be duly recorded in the county or counties in which the lands therein described are situated, and shall be thereupon delivered to the Manager of said Association, and, together with said note or other obligation, shall be held by the Manager as a part of the assets of the Association, or shall be otherwise disposed of as hereinafter provided. If so held, payments upon the note or other obligation secured by said mortgage shall be made to the Home Building Association of North Dakota and whenever it shall have been fully paid, the Manager shall promptly satisfy and discharge the mortgage lien of record and deliver the mortgage cancelled, with a satisfaction thereof, to the person entitled to receive it.

Every such mortgage, together with the note or other obligation thereby secured, may be sold and assigned upon the payment to the Association of the full value thereof, and upon such sale and assignment, the Manager may endorse either with or without recourse. In that case payments upon said note or other obligation shall be made to the person entitled to receive them; but each such assignment shall be made subject to the provisions concerning extension of the time of payments on account of any accident, crop failure or other event, as provided in this Section, and subsequent action of the Industrial Commission in that regard shall be binding upon the assignee of such mortgage; provided, however, that after assignment of such mortgage extensions of payments for a yearly period shall be limited in total number to not more than one for every period of five years or fraction thereof during which such mortgage has to run after the date of assignment.

Every such mortgage, together with the note or obligation thereby secured, may be assigned, and upon order of the Industrial Commission shall be assigned, to the State Treasurer of the State

of North Dakota as security for bonds to be issued by the State as provided by law. In case of such assignment all payments due upon said note or other obligation shall be made to the State Treasurer, and the money so by him received shall be by him held or disbursed as is by law provided. If while any such mortgage so assigned to the State Treasurer is in his hands, the note or other obligation thereby secured shall have been fully paid, the State Treasurer shall so certify to the Manager of the Association, who shall thereupon proceed to satisfy said mortgage in the same manner as though said note or other obligation had been paid directly to the Association. In like manner every such contract of sale, provided for in this Section may be assigned, and upon order of the Industrial Commission shall be assigned as security for bonds to be issued by the State as provided by law. In case of such assignment, payments contemplated by such contract shall be made to the State Treasurer and the Treasurer shall inform the Manager of the Association of payments made him under such contracts, and the Association shall perform its part under such contract in the same manner as if payments were made to it direct. In case of such assignment to the State Treasurer of any such mortgage or sale contract, the provisions contained in this Section, respecting extensions on account of any accident, crop failure or other event, shall be effective and shall be applied. Provided, however, that no such mortgage, note or obligation shall be so assigned as security for bonds so to be issued if the total amount remaining unpaid and payable upon such mortgage shall exceed one-half of the value of the real estate by which such mortgage, note or obligation is secured, nor unless it shall be a first mortgage upon such real estate.

§ 2. This Act is hereby declared to be an emergency measure and is to take effect and be in force from and after its passage and approval.

Approved 10:00 p. m. Dec. 11, 1919.

INSURANCE COMPANIES

CHAPTER 40.

[S. B. No. 50—King.]

REVOCATION OF AUTHORITY.

An Act to Amend and Re-enact Section 4925, Compiled Laws of North Dakota, 1913, Relating to Insurance Companies Doing Business Within the State.

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

§ 1. AMENDMENT.] Section 4925 of the Compiled Laws of

North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 4925. AUTHORITY OF FOREIGN OR DOMESTIC COMPANY REVOKED, HOW.] If the Commissioner of Insurance is of the opinion upon examination or other evidence that a foreign insurance company is in an unsound condition, or if it has failed to comply with the law, or if it, its officers or agents refuse to submit to examination, or to perform any legal obligation in relation thereto or if a life insurance company, that its actual funds, exclusive of its capital, are less than its liabilities he shall revoke or suspend all certificates of authority granted to it or to its agents, and shall cause notifications thereof to be published three times, once in each week for three successive weeks, in some newspaper published at the seat of government and no new business shall thereafter be done by it or its agents in this state while such default or disability continues, nor until its authority to do business is restored by the commissioner; provided, further, that if any insurance corporation organized under the laws of any other state or country and having been authorized to transact business in this state, shall remove or make application to remove into any court of the United States any action or proceeding begun in any court of this state upon a claim or cause of action arising out of any business or transaction done in this state, or upon any contract made, executed or to be performed herein, the commissioner of insurance shall revoke all certificates of authority granted to such insurance corporation, or to its agents, and shall cause notification thereof to be published three times, once in each week for three successive weeks, in some newspaper published at the seat of government and no new business shall thereafter be done by it or its agents in this state until after the expiration of three years from the date of such last publication. Provided, however, that the Commissioner of Insurance may after a hearing and for good and sufficient cause, cancel or revoke such suspension and re-instate any such company. If upon examination he is of the opinion that any domestic insurance company is insolvent or has exceeded its powers or has failed to comply with any provisions of law, or that its condition is such as to render its further proceedings hazardous to the public or its policyholders, he shall apply to the District Court of the county in which the principal office of the company is located to issue an injunction restraining it in whole or in part from further proceeding with its business. The court or judge may, in its discretion, issue an injunction forthwith or upon notice and hearing thereon, and after a full hearing of the matter may dissolve or modify such injunction or make it perpetual and make all orders and decrees needful in the premises and may appoint agents or receivers to take possession of the property and effects of the company, and to settle its affairs according to the course of proceedings in equity.

§ 2. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 10:05 P. M. Dec. 11, 1919.

INVESTIGATION COMMITTEE

CHAPTER 41.

[H. B. No. 48—State Affairs Committee.]

INVESTIGATION COMMITTEE.

A Joint Resolution Creating a Joint Investigation Committee; Defining Its Rights and Powers, and Authorizing It to Investigate All Efforts to Destroy or Injure the Property or Rights of Individuals, Corporations, or Any of the Industries, Enterprises or Utilities Owned by the State, or the Credit of the State, or to Unlawfully Influence or Corrupt Elections or Results Thereof and to Report the Results of Such Examination to the Governor, to the Legislative Assembly and State's Attorneys; and Making an Appropriation Therefor; and Providing for Bonds.

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

§ 1. A joint committee of the Legislative Assembly of the State of North Dakota, consisting of five members, two of whom shall be Members of the Senate, to be named by the presiding officer of the Senate, and three of whom shall be Representatives of the House, to be named by the Speaker of the House, is hereby created and shall be known as the committee for investigating conspiracies and conduct against law and order and government in North Dakota.

§ 2. It shall be the duty of this committee, and it is hereby directed and authorized, to examine and investigate, on the written complaint of any person, or on its own initiative, as a committee, any department or public office of this state, and all acts, efforts, attempts, transactions, proceedings and conspiracies to destroy or injure, or which were or are designed or intended to injure or destroy, the property, reputation, freedom, rights or business of any person, corporation, association, company or group of persons in the State of North Dakota, or any of the industries, enterprises or utilities owned by the State of North Dakota, or the credit of the State of North Dakota, or to influence, corrupt or control any election or primary, or the result of any election or primary, by force, violence, riot, libel, blacklist, blackmail, threat, coercion, fraud, misrepresentation, deceit, or by the use or abuse of legal process or official power or by any unlawful or oppressive means or method whatever, and report the results of such examination and investigation to the Governor of the State of North Dakota for such executive action as he may in his discretion take, and to the Senate and House of Representatives of the next regular assembly of the State of North Dakota, and to the respective State's Attorneys for criminal prosecution.

§ 3. The committee shall have power to hold sessions of the committee anywhere in North Dakota at any time until the next

regular session of the Legislature; to subpoena and compel the attendance of witnesses before it; to administer oaths to and question such witnesses under oath either by its own members or by its attorneys; to compel the production and exhibition before it of books, records, papers, vouchers, checks, contracts, letters or copies of letters of any person, committee, association, corporation or copartnership.

§ 4. The Committee shall have power to authorize and designate any one of its members to conduct investigation in the name of the committee, and such member while conducting such hearing shall have and exercise the full power of said committee. For the purposes of this resolution the committee, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm, association, corporation or any officer of the State of North Dakota being investigated or proceeded against; and the committee shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the committee may sign subpoenas; may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the State of North Dakota, at any designated place of hearing. And in case of disobedience to a subpoena the committee may invoke the aid of any district court of the State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

Any of the district courts of the State of North Dakota within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, association, corporation or any officer of the State, issue an order requiring such person, firm, association, corporation or officer of the State to appear before the committee, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as contempt thereof.

Upon the application of the attorney for the committee, at the request of the committee, the district courts of the State of North Dakota shall have jurisdiction to issue writs of mandamus commanding any person, firm, association, corporation or any officer of the State to comply with this resolution or any other order of the committee made in pursuance thereof.

The committee may order testimony to be taken by deposition in any proceeding or investigation pending under this resolution at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the committee and having power to administer oaths.

Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed

by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the committee as hereinbefore provided.

Witnesses summoned before the committee shall be paid the same fees and mileage that are paid witnesses in the courts of the State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the State.

No person shall be excused from attending and testifying or from producing documentary evidence before the committee or in disobedience to the subpoena of the committee on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the committee in obedience to a subpoena issued by it; provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Complaints, orders and other processes of the committee may be served by anyone duly authorized by the committee, either (a) by delivering a copy thereof to the person to be served or to a member of the partnership to be served, or to the president, secretary or other executive officer of the corporation to be served; or (b) by leaving a copy thereof at the principal place of business of such person, partnership or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership or corporation at his or its principal office or place of business.

§ 5. Any person who shall neglect or refuse to attend and testify or to answer any lawful inquiry or to produce documentary evidence, if in his power to do so, in obedience to the subpoena or requirement of the committee, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than One Thousand nor more than Five Thousand Dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

§ 6. The committee shall have power and authority to employ attorneys, stenographers, and all other expert help necessary to assist in conducting its investigation, examining witnesses and making its report, and to fix the compensation therefor, provided same shall not exceed the appropriation herein.

§ 7. This committee shall meet within ten days after the adjournment of the special session of the Legislature, at the City of Bismarck, North Dakota, and organize by electing one of the members thereof chairman and selecting a secretary, and shall thereupon immediately commence such investigation.

The members of the committee shall serve without salary or

compensation, but shall receive their actual and necessary traveling expenses while engaged in conducting such investigation.

§ 8. There is hereby set aside out of any money appropriated for the expenses of the Legislative Assembly, the sum of \$25,000, for the purpose of carrying out the provisions of this resolution, which shall be paid to the chairman of such committee and by him deposited in the Bank of North Dakota and the expenses of the committee paid therefrom on orders signed by the chairman and approved by the committee. The chairman shall furnish bond in the State Bonding Department in the sum of \$27,000.

Approved 8:15 p. m. Dec. 11, 1919.

JOINT RESOLUTION

CHAPTER 42.

[H. B. No. 49—State Affairs.]

SCOTT v. FRAZIER.

Joint Resolution Requesting the Supreme Court of the United States to Advance the Case of John W. Scott, et al., vs. Lynn J. Frazier, et al., on the Calendar.

WHEREAS, an action in equity in the District Court of the United States for the District of North Dakota has been begun under the title of John W. Scott, et al., against Lynn J. Frazier, et al., the purpose of which is to enjoin and prevent the operation of the laws enacted at the last session of this Legislative Assembly creating the Industrial Commission of North Dakota, the Bank of North Dakota, the Milling and Elevator Association and the Home Building Association, and providing for issuance of state bonds wherewith to finance those state enterprises; and whereas said action, after a hearing before the Hon. Charles F. Amidon, United States District Judge, was determined in favor of the defendants and against the plaintiffs, thereby holding the said laws to be valid and constitutional; and whereas the plaintiffs in said cause have appealed from the decision of the District Court of the United States to the Supreme Court of the United States and the appeal is now pending; and whereas this Legislative Assembly is advised that, in the usual course of business of the Supreme Court of the United States, in view of the large number of causes now waiting to be heard before that tribunal, the said case of Scott, et al., against Frazier, et al., will not be heard in the Supreme Court for a period of about one year from this time or longer; and

WHEREAS, the issues involved in said cause are of great public importance to the State of North Dakota and all its people, and

involve matters of greatest moment in carrying forward the public policies of this state;

Now Therefore, Be It Resolved by the Legislative Assembly of the State of North Dakota:

That it is desired by the State of North Dakota that the issues arising in said cause be heard and advanced to final judgment as soon as may be practicable; and that the Governor of this State, who is a party to said cause, as Governor and as Chairman of the Industrial Commission of North Dakota, be and he is hereby authorized, empowered and directed to take all proper and necessary measures for the advancement of the hearing of said cause before the Supreme Court of the United States.

Approved 2:15 P. M. Dec. 8, 1919.

MARTIAL LAW

CHAPTER 43.

[S. B. No. 31—Levang.]

SEIZURE OF PROPERTY.

An Act Authorizing the Governor as Commander-in-Chief of the Military and Naval Forces of This State to Take Over and Operate Any Coal Mines or Other Public Utility in Any Emergency Where Necessary for the Protection of Life and Property.

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

§ 1. The Governor as Commander-in-Chief of the Military and Naval forces of this State is hereby authorized and empowered to take any measure necessary to prevent or avert any pending disaster or calamity which threatens to destroy life or property in this State, or which may entail loss of life or property or result in great suffering or hardship among the people of this State; and in the event of any strike or threatened strike or lockout or threatened lockout of the employees of any coal mine or public utility threatening to endanger the life and property of the people of this State, in any such event he shall have the power and authority to commandeer and take for use during any such emergency any coal mine or other public utility, together with the machinery, equipment and appurtenances of any such coal mine or public utility which may be necessary to save life or property; and he shall have power and authority to employ all help necessary for operating any such coal mine or public utility, with power and authority to make and enter into all contracts for the operation of any such coal mine or public utility, and to purchase any and all material necessary for operating

any such coal mine or public utility, and with power to sell and distribute the products or services of any such mine or public utility.

§ 2. The Governor is further authorized to use any of the facilities or offices of the State when required to take over and use any such coal mine or public utility, and may command the services of the State Militia or the State Constabulary.

§ 3. The owner of any coal mine or public utility so taken shall be given a receipt therefor and shall be paid for the use thereof and for any damages which may be caused to the same while in the possession of the State; provided that such compensation shall be determined by the Board of Railroad Commissioners, after notice and hearing to the parties interested therein, such notice to be given and such hearing conducted in the same manner provided by Chapter 192 of the Laws of North Dakota for the year 1919 for hearing and determining the rates and charges of public utilities.

Approved 2:45 p. m. Dec. 11, 1919.

MOTOR VEHICLES

CHAPTER 44.

[S. B. No. 5—King.]

REGISTRATION.

An Act to Amend and Re-enact Chapter 182 of the 1919 Session Laws to Provide for the Taxing and Licensing of Motor Vehicles, the Creation of a Motor Vehicle Registration Department of the State Highway Commission and the Appointment of a Registrar as Head of the Same Defining His Duties and Compensation; Establishing the Method of Distributing the Fees Received Therefrom; Fixing Penalties for the Violation of This Act and Providing an Appropriation for Administering the Same and for the Use of the State Highway Commission; and Repealing Chapter 156 of the Laws of North Dakota, 1917, and All Acts and Parts of Acts in Conflict Therewith.

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

§ 1. AMENDMENT.] That Chapter 182 of the 1919 Session Laws of North Dakota is hereby amended and re-enacted to read as follows:

Chapter 182, Section 1. The term "motor vehicles" as used in this Act, except where otherwise expressly provided, shall include all vehicles propelled by any other than muscular power, except traction engines, road rollers, fire wagons and engines, police patrol wagons, ambulances and such vehicles as run only upon rails or tracks. The term "local authorities" shall include all officials of counties, cities, towns, or villages.

The term "owner" shall include any person, firm, association, or corporation owning or renting any motor vehicle or having the use thereof under lease or otherwise, for a period greater than thirty days.

The term "public highway" shall include any highway, town, road, county road, state road, public street, avenue, alley, park, parkway or public place, in any county, city, town or village, except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriage.

The term "dealer" when used in this Act shall include every person, corporation, company or association keeping for sale or as a business selling any motor vehicle within this state.

The term "commission" when used alone in this Act shall mean the State Highway Commission of the State of North Dakota.

The term "Registrar" when used alone in this Act shall mean the head of the Motor Vehicle Registration Department.

§ 2. Every dealer or owner of a motor vehicle before operating or driving his motor vehicle upon the public highways of this state, for each motor vehicle owned, except as herein otherwise provided, shall file or cause to be filed, by mail or otherwise, in the office of the Registrar at Bismarck, North Dakota, a verified application for registration of such motor vehicle on a blank to be furnished by the Motor Vehicle Registration Department for that purpose. Such blank shall contain:

(1) A brief description of the motor vehicle to be registered including the name of the manufacturer, and the factory number and model, if such number and model there be.

(2) The name, residence and business address of the owner of such vehicle; the original retail cost price of said vehicle, if a passenger car not used for commercial purposes; the passenger capacity, if a car used for the carrying of passengers for hire; and the ton capacity, if a car used for the carrying of freight, together with the retail price for such car, if purchased within the state and not previously registered within the state, and such other information as the Motor Vehicle Registration Department may require. During the calendar year 1919 after the enactment of this law, and each year thereafter, every dealer in motor vehicles in this state shall pay to the Motor Vehicle Registration Department; at the time of or before the selling of each motor vehicle; the first year's registration fee as provided in Section 6 of this Act; provided, that the payment of such fee shall be in lieu of all taxes upon such vehicle for the year in which the same is paid, provided, further, that upon the payment of such fee the Registrar shall issue to such dealer a receipt showing that the same has been paid, together with registration tags, as herein elsewhere provided, and such receipt and registration tag shall be transferred to the purchaser of said motor vehicle upon the payment of the fee provided in Section 4 of this Act.

§ 3. Upon receipt of an application for registration of a motor vehicle as provided in the next preceding section, the same shall

be filed in the office of the Registrar, and such motor vehicle shall be registered with the name and residence and business address of the owner, together with the facts stated in such application, in a book or index to be kept for that purpose, under the distinctive number assigned to such motor vehicle, which book or index shall be open to inspection during reasonable hours.

§ 4. Upon the sale of any motor vehicle registered in accordance with this Act, the vendee shall, within ten days after the date of such sale, notify the Registrar, upon a blank furnished him for that purpose, stating the name and business address of the previous owner, if known, the number under which such vehicle is registered, the price paid for the same, if a passenger vehicle or the capacity of the same, if a commercial vehicle, and the name, residence and business address of such vendee. Upon filing such statement such vendee shall pay to the Motor Vehicle Registration Department a fee of \$1.00, and upon receipt of such statement and fee the Registrar shall file such statement in his office and change the name of ownership in the registration book or index in which such motor vehicle is registered.

§ 5. Upon the filing of such application and payment of the fee provided, the Registrar shall assign to each such motor vehicle a distinctive number, and, without other fee, issue and deliver to the owner a set of two registration tags, upon each of which shall be displayed the distinctive number assigned, in the form and size herein elsewhere provided, which shall be evidence of payment of the license fee and tax herein imposed.

In the event of the loss, mutilation, or destruction of the registration tags herein provided for, the owner of any registered motor vehicle may obtain new ones from the Motor Vehicle Registration Department, on making an affidavit showing the facts, and upon the payment of a fee of fifty cents in case one tag is needed and one dollar in case both are needed.

§ 6. Every motor vehicle shall be registered annually, each registration certificate and set of tags being valid until the 31st day of December next following the date of registration. The fee to be paid on all motor vehicles except motorcycles and those used for commercial purposes for registration, re-registration and operation shall be based on the factory selling price in force January 1, each year to which the registration applies. The net weight and horsepower, which horsepower shall be obtained by multiplying the square of the diameter of the cylinder in inches by the number of cylinders and dividing this product by two and one-half. The basic fee shall be calculated at the rates of 5 mills per dollar of said selling price, 20 cents per 100 pounds or major portion thereof of the net weight of vehicle and 10 cents per horsepower as above determined, except electrics, which shall be charged two (\$2.00) dollars in lieu of such horsepower fee. The registration fee for motor vehicles except as hereinafter stated, in the year in which they are first purchased from the dealer, shall be the above basic fee.

The registration fee for the years subsequent from the year for

which the vehicle was purchased from dealer shall be the basic fee as above determined less a 10 per cent reduction for second year, a twenty-five per cent reduction for the third year, and thereafter a forty per cent reduction from the above basic fee, provided that the fee shall at no time be less than five dollars. On motor vehicles of foreign make or of obsolete models or make, regarding which it is difficult to secure information, and on models not on the market January 1, 1919, the Registrar shall set the valuation in a manner as nearly as possible consistent with the prices prevailing January 1 of the year to which the registration applies. For motor trucks, in addition to the foregoing factors, the fee shall be based on its load capacity, at the rate of \$3.00 per ton, up to and including 3 tons capacity, \$5.00 per ton of capacity greater than 3 tons but not greater than 4 tons, and \$10.00 per ton for capacity greater than 4 tons. For four-wheel trailers the fee shall be one-fourth of the auto truck to which attached. For motorcycles the fee shall be \$3.00 per year. For motor busses or other motor vehicles carrying passengers for which a fee is charged the license shall be increased by 25 cents per passenger carrying capacity of vehicle, seating capacity to be based on a seating room of 16 inches per passenger.

All motor vehicles used for the first time during the current year after September 1, when satisfactory proof of such fact is given to the Registrar, shall be entitled to a fifty per cent reduction of the yearly fee applicable to such car.

§ 7. No person shall operate or drive a motor vehicle on the public highway of the state after thirty days from the day upon which this Act takes effect, unless such vehicle shall have been registered in accordance with the provisions herein contained, and shall have the tags of registration assigned to it by the Motor Vehicle Registration Department conspicuously displayed and securely fastened upon the front and rear of such vehicle.

No person shall display on such motor vehicle at the same time any number assigned to it under any other vehicle law or ordinance.

§ 8. Such license tags shall be of distinctly different color or shade each year, and at all times there shall be a marked contrast between the color of the number plate and that of the numerals or letters thereon. Such registration tag shall be substantially of the following size and form, viz.: A plate or placard of metal or enamel with metal letters 8½ inches in length and 5 inches in width for one or two numerals; 10 inches in length and 5 inches in width for three numerals; 12 inches in length and 5 inches in width for four or more numerals, and on the left end of this plate with letters running vertically from the top, there shall be two letters "N. D.," each of which shall be approximately one inch in length; and on the right end, arranged in the same manner and the same size, there shall be four numerals of the year in which the license is issued; and on the body of such plate there shall be the distinctive numbers assigned to the vehicle in numerals four inches long, each stroke of which shall be at least ½ inch in width; provided that motorcycles shall be assigned tags three inches in width and of a height to permit num-

erals to be placed vertically across the top of this tag, with letters running horizontally, shall be the two letters "N. D.," and across the bottom, arranged in the same manner, there shall be the four numerals of the year in which the license is issued, except that the last shall be in proportionate size to the small plate.

§ 9. The provisions of this Act requiring registration shall not apply to any motor vehicle owned by a non-resident of the state, who is temporarily within the state, while passing into or through it from an adjoining state, provided that such non-resident shall have displayed in a conspicuous way on the motor vehicle he is operating a tag or tags issued for that year by the State of which he is a resident and displayed according to the laws of that state.

§ 10. The Registrar shall render to the State Treasurer monthly reports showing a full and correct account of all moneys received during the preceding month as fees for the licensing of motor vehicles under the provisions of this act, and at the end of each day shall pay into the State Treasury all moneys received during such day.

§ 11. (1) A State Highway Fund is hereby created and all moneys received into the State Treasury under the provisions of this Act or any provision of law for highway purposes, shall be expended under the supervision and direction of the State Highway Commission and Motor Vehicle Registration Department. All moneys received into the State Treasury under the provisions of this Act shall be expended in the following manner:

(2) A sum not to exceed \$150,000.00 per annum shall be set apart to defray the expenses of the State Highway Commission in maintaining the Motor Vehicle Registration Department and in carrying out the provisions of this Act, and in carrying out the provisions and purposes of the State Highway Commission Act, and co-operating with the Federal Government under the Act of Congress approved July 11, 1916 (Public No. 156), entitled "An Act to Provide that the United States shall aid the states in the construction of rural post roads and for other purposes," and in carrying out the provisions of any other law imposing duties or conferring powers on said Commission:

(2-a) A further sum not to exceed \$130,000.00 annually shall be set aside to meet the state's obligation as provided in Chapter 73, Session Laws, 1919.

(3) A sum not exceeding fifty per cent of the balance following the above deductions from the above gross receipts shall be paid by the State Treasurer out of such funds upon certificate from the Motor Vehicle Registration Department, approved by the state Auditing Board to the several County Treasurers to the account of the Special Road Maintenance Fund. The Registrar in behalf of the Commission shall file with the State Treasurer and the State Auditor verified quarterly statements of the amounts and sources of all moneys received into the State Treasury under this Act and the amounts to which the several counties are entitled, which funds

shall be pro-rated among the counties in the same proportion as that in which the moneys are received. The expenses of maintaining the state highways in any county as directed and supervised by the Commission shall be paid from the Special Road Maintenance Fund and the remainder thereof shall be expended under the direction of the county commissioners on other highways within the county.

(4) The remaining fifty per cent shall remain in the State Highway Fund, to be expended by the Commission in the various counties of the state in the improvement, maintenance and construction of state highways. Ten per cent of this portion of the fund shall be expended at the discretion of the Commission for the purposes specified above without regard to the amount of motor vehicle fees collected, and ninety per cent shall be spent by the Commission for the purposes specified above in the several counties in proportion to the amounts collected therein.

§ 12. All claims for moneys expended by the State Highway Commission under the provisions of this Act, except that concerned with the operation of the Motor Vehicle Department, shall be paid out of the State Highway Fund by the State Treasurer upon the presentation of properly prepared vouchers approved by the State Auditing Board and approved by the Secretary of the State Highway Commission. All claims for moneys expended by the Motor Vehicle Registration Department shall be paid out of the fund set aside for that Department by the State Treasurer upon the presentation of properly prepared vouchers approved by the State Auditing Board and approved by the Registrar.

§ 13. The possession of a certificate made out by the notary public who took acknowledgment of the original application where such certificate shows date of application, make and model of car, and the manufacturer's number of the motor vehicle which such application describes, shall be prima facie evidence of compliance with the motor vehicle law with reference to the motor vehicle therein described for a period of twenty days from the date of such application.

§ 14. The taxes provided for in this Act shall be in lieu of all other taxes upon such vehicles, either state or local.

§ 15. The Motor Vehicle Registration Department shall have the power, and it is hereby declared to be its duty, to see that all the provisions of this Act are enforced, and for the enforcement of the same it shall have the assistance of the Attorney General of the state and of all prosecuting officers, and may authorize any county or local officer or employee to act for it in any matter pertaining to the enforcement of any of such provisions.

§ 16. Within ten days after this Act goes into effect the Commission shall appoint a suitable person to act as Registrar of the Motor Vehicle Registration Department. Said Registrar shall qualify by taking and subscribing to the oath of office prescribed by law for state officers, and shall file a bond with sufficient security to be approved by the Commission, in the sum of Five Thousand Dollars (\$5,000.00), conditioned upon the faithful performance of

his (or her) duties and the full accounting for all moneys received as taxes or fees under the provisions of this Act, the cost of such bond to be paid by the Motor Vehicle Registration Department. The Registrar shall have an office at the State Capitol which shall be open and accessible to all applicants for motor vehicle licenses during all reasonable office hours. The salary of said Registrar not to exceed \$2,000.00 annually, shall be fixed by the Commission and paid out of the fund set apart for the operation of the Motor Vehicle Registration Department.

§ 17. With the approval of the Commission the Registrar shall appoint all such deputies, experts, assistants, or employees as he may deem necessary for the carrying out of the purposes of this Act, the compensation of such appointees to be fixed by the Commission, on the recommendation of the Registrar and paid, together with all reasonable traveling and other expenses out of the fund set apart for the operation of the Motor Vehicle Registration Department, on the order of the Registrar.

§ 18. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), and if default is made in the payment of such fine, such person shall be committed to the county jail until such fine is paid; provided, however, that each day's service in jail shall be equal to Two Dollars (\$2.00) of such fine.

§ 19. It is hereby made the duty of every county superintendent of highways, when such are appointed, and otherwise of the board of county commissioners, sheriffs and other county road or police officers, and of all police officers of incorporated cities and villages to enforce the provisions of this Act.

§ 20. All dealers engaged in the sale of motor vehicles in the state shall furnish the Motor Vehicle Registration Department with such information as to models, specifications, selling prices, etc., and such other data requested by the Motor Vehicle Registration Department as is necessary in carrying out the provisions of this Act.

§ 21. All books, records, supplies, office equipment, etc., in the office of the Secretary of State, purchased under the provisions of law for the registration of motor vehicles shall come under the control of the Motor Vehicle Registration Department upon the passage and approval of this Act.

§ 22. Chapter 156, Laws of North Dakota, 1917, and all Acts or parts of Acts in conflict herewith are hereby repealed.

Approved 8:30 A. M. Dec. 12, 1919.

PUBLIC BUILDINGS

CHAPTER 45.

[H. B. No. 19—Larson.]

JOINT OWNERSHIP.

An Act to Provide for the Joint Ownership and Use of Public Buildings and Grounds by Villages and Townships.

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

§ 1. Civil townships and incorporated towns or villages located within the boundaries thereof, may, when so authorized by three-fourths of the legal voters of each, present and voting at separate elections, acquire and use jointly, public buildings and grounds within the corporate limits of either. The question of such joint acquisition and use may be submitted at regular or legally called special elections of both municipalities, held not more than three months apart, and when once submitted may not again be submitted within one year.

§ 2. Such townships, towns or villages may incur indebtedness and provide for the payment thereof, severally but not jointly, for the acquiring of such public buildings and grounds in the manner provided by Article 14, Article 24 and Article 25, of the Political Code of 1913, and acts amendatory and supplementary thereto, and within the limit provided by the Constitution.

§ 3. Such public buildings and grounds shall be in the joint custody and control of the governing boards of such villages and townships, which shall make and enforce lawful and reasonable regulations for the care, protection and use thereof.

§ 4. All meetings and elections of such municipalities provided by law to be held, and otherwise legally called and held, may be held in such public buildings whether wholly or partly within one or wholly or partly within the other.

Approved 7:40 P. M. Dec. 11, 1919.

PUBLIC FUNDS

CHAPTER 46.

[S. B. No. 11—Fraser.]

TRANSFER OF PUBLIC FUNDS.

An Act Providing for the Transfer of Funds to Other Departments by the Bank of North Dakota, and Prescribing the Duties of the State Treasurer

and State Auditor in Reference Thereto; Repealing All Acts in Conflict Therewith; and Declaring an Emergency.

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

§ 1. All funds transferred to other departments, institutions, utilities, industries, enterprises or projects of the state, by the Bank of North Dakota, shall be placed to the credit of such institutions, utilities, industries, enterprises or projects of the state by the State Treasurer and subject to their respective order, and all such funds shall be returned with interest to the bank.

§ 2. The State Auditor shall issue warrants against such money so transferred in the same manner as provided in the case of funds from the payment of taxes or otherwise.

§ 3. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved 9:25 P. M. Dec. 11, 1919.

CHAPTER 47.

[S. B. No. 58—Wenstrom.]

PURCHASING AGENT.

An Act to Authorize the Purchasing Agent of the Board of Administration Under Their Direction and Supervision to Purchase All Stationery, Furniture and Fixtures and All Other Supplies Used by the Different Departments of Government of the State, Other Than Those Under the Control of the Industrial Commission.

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

§ 1. All stationery, furniture and fixtures and all other office supplies used by the different departments of government of the State of North Dakota, other than those under the control of the Industrial Commission shall be purchased by or through the purchasing agent of the Board of Administration, under the direction and supervision of said Board.

Approved 8:50 A. M. Dec. 12, 1919.

RAILROADS

CHAPTER 48.

[S. B. No. 29—Mostad.]

SHELTER FOR EMPLOYEES.

An Act to Amend and Re-enact Section 2 of Chapter 172 of the Laws of the State of North Dakota for the Year 1919, and Providing the Time in

Which the Provisions of Said Section Shall Be Complied With, Relating to Furnishing Shelter to Employees of Common Carriers.

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

§ 1. That Section 2 of Chapter 172 of the Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

“§ 2. Any company, corporation, person or receiver violating the provisions of this Act and failing to provide for the shelter and protection of its employes as required by the provisions of Section 1, on or before the first day of October, 1920, shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than One Hundred (\$100) Dollars, nor more than Five Hundred (\$500) Dollars for the first offense, and for each subsequent offense by a fine of not less than Five Hundred (\$500) Dollars nor more than Ten Thousand (\$10,000) Dollars, and shall pay in addition to the fine imposed the cost of prosecution.”

§ 3. 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 2:20 P. M. Dec. 8, 1919.

RAILROAD COMMISSIONERS

CHAPTER 49.

[H. B. No. 51—McDonnell.]

DUTIES AND SALARIES.

An Act Requiring the Board of Railroad Commissioners to Devote Each His Entire Time to His Respective Office, and to Increase the Compensation Thereof.

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

§ 1. The Commissioners of Railroads shall receive an annual salary of Three Thousand Dollars payable monthly and shall each devote his entire time to the duties and work of the Board of Railroad Commissioners.

§ 2. This Act shall go into force and effect on the third day of January, 1921.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved 11:15 A. M. Dec. 10, 1919.

SCHOOL DISTRICTS

CHAPTER 50.

[H. B. No. 40—Marshall.]

ANNUAL REPORT FILED WITH BANK OF NORTH DAKOTA.

An Act to Amend Section 1218, Compiled Laws of North Dakota, 1913, Requiring School District Treasurers to File a Copy of Their Annual Report With the Bank of North Dakota.

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

§ 1. AMENDMENT.] That Section 1218 of the Compiled Laws of North Dakota for the year 1913 shall be amended and re-enacted to read as follows:

§ 1218. TREASURER'S ACCOUNT. ANNUAL SETTLEMENT.] The district treasurer shall open new accounts with each fund at the beginning of each school year, and the balance of each fund shall be brought down and become a part of the first entry in opening the account for the new year. On the second Tuesday in July, the School Board shall make settlement with the district treasurer, and shall carefully examine his books, accounts and vouchers, and shall ascertain if the amount of all warrants, bonds and coupons paid and redeemed or paid in part, together with the cash in his hands or under his control, is equal to the amount of cash on hand at the beginning of the school year, together with all money received by him from all sources for school purposes during the year. The district treasurer shall deliver to the board at such annual meeting, all warrants, bonds and coupons paid and redeemed by him during the school year and held by him as vouchers, taking the receipt of the board therefor, and such vouchers shall forthwith be filed with the district clerk. He shall at that meeting make his annual report in quadruplicate, one copy to be preserved in the treasurer's office, one to be filed with the clerk of the school board, one to be transmitted to the County Superintendent of Schools and one to the Bank of North Dakota, and the board shall cause to be published an itemized statement of the receipts and expenditures of the preceding year in a newspaper of the county nearest said school district; provided, that if said board or treasurer shall have failed to publish said statement by the first of September following the presentation of the treasurer's annual report, then it shall be the duty of the County Superintendent of Schools to cause the publication of the same in a newspaper of the county, said publication to be paid for by the school district. The treasurer's reports shall show the following:

RECEIPTS.

The balance at the close of the year.
 The amount received into the State Tuition Fund.
 The amount received into the Special Fund.
 The amount received into the County Tuition Fund.
 The amount received into the Sinking Fund.

EXPENDITURES.

The amount paid for school houses, sites and furniture.
 The amount paid for apparatus and fixtures.
 The amount paid for teachers' wages.
 The amount paid for services and expenses of school officers.
 The amount paid for redemption of bonds.
 The amount paid for interest on bonds.
 The amount paid for incidental expenses.
 The cash on hand at the close of the school year.

Such reports shall include such other items as may be required by the district board, or the superintendent of public instruction, and shall be upon and in conformity with the blanks furnished him for that purpose.

§ 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved 7:20 P. M. Dec. 11, 1919.

CHAPTER 51.

[S. B. No. 53—Webber.]

BONDING.

An Act to Amend and Re-enact Section 1341 of the Compiled Laws of North Dakota for 1913, Providing for the Bonding of School Districts for the Building of School Houses When Warrants Have Been Issued.

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

§ 1. AMENDMENT.] That Section 1341 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1341. PROVISIONS OF THIS ARTICLE, HOW APPLICABLE.] The provisions of this article shall be applicable to and authorize the issuance of bonds by such school districts as have already built, or are building, school houses and have issued orders or warrants therefor, and any such school district may vote to bond the indebtedness incurred by reason of building and furnishing a school house and purchasing a site for the same and bonds may be issued in the same manner as hereinbefore provided for building and furnishing school houses; provided, further, that the indebtedness incurred and warrants issued, or orders for the building of such school houses

are, when the same are within the debt limit, hereby legalized and declared to be a valid indebtedness of such school district.

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

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 10:15 P. M. Dec. 11, 1919.

SCHOOLS

CHAPTER 52.

[S. B. No. 23—Mortenson.]

STATE AID.

An Act to Amend and Re-enact Sections 1445 and 1446 of the Compiled Laws of North Dakota for the Year 1913, as Amended and Re-enacted by Chapter 212 of the Laws of North Dakota for the Year 1917, Relating to State Aid for Rural Schools as Represented by the One-room Graded and Graded Consolidated Schools.

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

§ 1. That Section 1445 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 212 of the Laws of North Dakota for the year 1917, be amended and re-enacted to read as follows:

§ 1445. THE APPORTIONMENT, WHEN APPORTIONED, AMOUNT OF APPORTIONMENT.] Between the first and fifteenth of August in each year the State Board of Administration shall apportion such amounts as are appropriated to each of said state graded consolidated schools, the sums named in Section 1446 of this Act; to each of state graded schools which have fully complied with the provisions of this Act and such additional rules as may be established by the State Board relating to state graded schools, the sum of one hundred dollars in each year to state graded schools of the first class; to state graded schools of the second class a sum of seventy-five dollars; and to state graded schools of the third class, the sum of fifty dollars; and the Board shall apportion to each of the state rural schools which have fully complied with the provisions of this Act and such additional rules as may be established by the Board relating to state rural schools, the sum of fifty dollars in each year to each rural school of the first class; to each state rural school of the second class, the sum of forty dollars; and to each state rural school of the third class, a sum of thirty dollars; provided that in any district where the tax rate for the preceding year is four mills

and less than seven, these amounts shall be doubled for each class of school, and that in any district where the tax rate of the preceding year is seven mills or greater these amounts shall be trebled. These several amounts shall be paid by the State Treasurer on the warrant of the State Auditor when duly certified and filed with the State Auditor by the Superintendent of Public Instruction. Provided also that in case the amount apportioned shall not be sufficient to pay the amount specified, then the amount available shall be apportioned pro rata among the schools entitled thereto. Provided, further, that the State Board of Administration shall furnish to each state rural school a certificate of standardization and a metal plate designating the rank of such schools, the same to be paid for from the appropriation for these schools.

§ 2. That Section 1446 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 212 of the Laws of North Dakota for the year 1917 be amended and re-enacted to read as follows:

§ 1446. AID TO CONSOLIDATED SCHOOLS, CONSOLIDATED SCHOOLS DEFINED.] Any consolidated school meeting the requirements for the state graded school of the first class shall receive aid in the sum of four hundred dollars, any consolidated school meeting the requirements for the state graded school of the second class shall receive aid in the sum of three hundred fifty dollars, and any consolidated school meeting the requirements for a state graded school of the third class shall receive aid in the sum of three hundred dollars; provided that in any district where the tax rate for the preceding year is four mills and less than seven, each school shall receive double the amount named here and that where the tax rate for the preceding year is seven mills or more, each school shall receive treble the amount. It is provided further, that a consolidated school here and elsewhere in the law is one where at least two teachers are employed and at least eighteen contiguous sections are served, without regard to the manner of its formation.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 4. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 10:20 p. m. Dec. 11, 1919.

CHAPTER 53.

[H. B. No. 16—John Nathan.]

TRANSPORTATION OF PUPILS.

An Act to Amend and Re-enact Section 1190 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 199 of the Session Laws for 1919, Relating to the Consolidation of Schools and Transportation of Pupils; and Providing for a Board of Arbitration.

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

§ 1. AMENDMENT.] That Section 1190 of the Compiled Laws for 1913, as amended by Chapter 199 of the Session Laws for 1919 be amended and re-enacted to read as follows:

§ 1190. CONSOLIDATION OF SCHOOLS AND TRANSPORTATION OF PUPILS.] The district school board may call, and if petitioned by one-third of the voters in the district, shall call an election to determine the question:

(1) "To consolidate two or more schools or the territory usually served by two or more schools and select a site and provide a suitable building," or

(2) "To select a school already established and, if necessary, make suitable additions thereto to accommodate the pupils of the schools to be vacated."

Said election shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school elections. If a majority of the votes cast at such an election are in favor of either proposal, then the board shall carry out the decision of the district within four months thereafter. In the event of carrying out either proposal prior to or after the passage of this Act, it shall be the duty of the board to provide for the transportation of the pupils at public expense to and from the consolidated school, except to those pupils living less than one and one-half miles from such school; and it shall also be the duty of the board, if deemed expedient, to move to the site selected school houses already built or to sell such school houses. Provided, that transportation may be furnished either by the use of public conveyances or by allowing to each family as compensation a sum of not less than twenty cents nor more than one dollar and fifty cents per school day of attendance, such compensation to be equitably based upon the distance traveled and the number of children transported. Provided, further, that the sum total of expenses to a district for transportation shall not be greater where the family system of payment is used than would be the case under a system of public conveyances. Provided, also, that in case a patron is dissatisfied with the arrangement made by the School Board with regard to the transportation of his children, he may apply to the School Board for a Board of Arbitration consisting of one selected by the patron, one selected by the School Board and another chosen by the two already selected; the School District to pay all costs thereof; said cost not to exceed three dollars per diem per member of said Arbitration Board. The decision of said Arbitration Board shall be final and binding on the Board.

§ 2, EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in effect and be in operation on and after its passage and approval.

Approved 9:00 P. M. Dec. 11, 1919.

SEED GRAIN AND FEED

CHAPTER 54.

[H. B. No. 4—W. J. Maddock.]

SEED GRAIN AND FEED.

An Act to Amend and Re-enact Section 3471 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the Year 1918; Amending and Re-enacting Section 3473 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the Year 1918; and Amending and Re-enacting Section 3481 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Section 9, Chapter 13 of the Laws of the Special Session of the State of North Dakota for the Year 1918 and as Amended and Re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the Year 1919, Relating to the Issuance of Bonds and Warrants to Procure Seed Grain and Feed for Needy Inhabitants; Making an Appropriation Therefor; and Repealing All Acts and Parts of Acts in Conflict Therewith.

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

§ 1. Section 3471 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Section 1 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918, to be amended and re-enacted to read as follows:

§ 3471. AMENDMENT.] In any county of the State where the crops have been a total or partial failure by reason of drouth, hail or other cause, it shall be lawful for, and it shall be the duty of the Board of County Commissioners in such county to issue the bonds of the county under and pursuant to the provisions of this article and with the proceeds derived from the sale thereof to purchase seed grain and feed for the inhabitants thereof who are in need of seed grain and feed and are unable to procure the same whenever said Board shall be petitioned in writing so to do by not less than fifty freeholders resident in the county; and said Board, at the meeting called as hereinafter provided to consider said petition, shall by a majority vote determine that the prayer of petitioners shall be granted; provided that all such petitions shall be filed with the County Auditor at any time between the first day of November of any crop failure year and the 25th of February of the succeeding year; and thereupon it shall be the duty of said officer to forthwith call a meeting of the Board of County Commissioners of his county to consider said petition; and provided further, that the total amount of bonds issued by any county under the provisions of this article shall not, with the then existing indebtedness of the county exceed

the limit of indebtedness fixed by the Constitution in such case; that said bonds shall be in denomination of from one hundred to five hundred dollars; shall bear a rate of interest not exceeding six per cent per annum, payable semi-annually at such place and time as shall be agreed upon by the Commissioners of Agriculture and Labor and the purchaser, and that all bonds issued under the provision of this article shall become due and payable in not less than one nor more than five years from the date thereof, the date of maturity to be fixed by the County Board at the time of the issuance thereof, provided that the township supervisors shall advise with the commissioners concerning the application of applicants from their township, with the above limitation.

§ 2. That Section 3473 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Section 3 of Chapter 13 of the Laws of the Special Session of the State of North Dakota for the year 1918 be amended and re-enacted to read as follows:

§ 3473. AMENDMENT. BONDS, HOW SOLD OR DISPOSED OF.] Immediately after it has been determined to issue bonds or warrants for any county, the County Auditor shall notify the Commissioner of Agriculture and Labor, giving full particulars. Thereupon, the Commissioner of Agriculture and Labor shall act for and on behalf of the Board of County Commissioners in the sale or disposition of any bonds to be sold. He shall receive sealed proposals for the purchase of such bonds or any part thereof, after giving at least ten days' notice in one leading daily newspaper within this State, in two leading daily newspapers without this State, at financial centers, and one newspaper within the county for which bonds are to be issued, together with such other publicity as in his discretion is deemed advisable. He shall sell the bonds of each county separately to the highest bidder for cash but he shall not sell them for less than par, and he may reject any or all bids or postpone the sale from time to time, not exceeding ten days, or in his discretion he may call for new bids, provided, however, that said commissioner may sell or dispose of said bonds or any part thereof to the State of North Dakota or any board thereof, without receiving proposals therefor, or giving notice as hereinbefore provided, but he shall not sell them for less than par; provided, further, however, that the Commissioner of Agriculture and Labor may make a reasonable allowance for printing, advertising, brokerage and attorney's fees.

§ 3. That Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended by Section 9 of Chapter 13 of Laws of the Special Session of the State of North Dakota for the year 1918 as amended and re-enacted by Section 1 of Chapter 177 of the Laws of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 3481. AMENDMENT.] The County Auditor of each county shall, as soon as the County Commissioners shall perform the duties prescribed in the preceding sections, issue to each applicant demand-

ing it, an order for the number of bushels of each kind of seed grain and amount of feed which has been allowed said applicant, unless otherwise directed by the Board, or the chairman thereof; provided that in no event shall seed be so furnished for more than one hundred and sixty (160) acres of the actual number of acres owned and cultivated by such applicant; provided however, the Commissioners may furnish seed for two-thirds ($\frac{2}{3}$) of the remaining number of acres actually owned and cultivated by such applicant; provided further, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, which contract shall have the same force and effect as a promissory note, attested by the County Auditor or by a Notary Public to the effect that said applicant for and in consideration of bushels of seed grain and of feed from county, promises to pay the said county Dollars, the amount of the cost of said seed grain and feed; that the amount of such indebtedness shall become due and payable on the first day of October in each year in which said seed grain and feed is furnished, together with interest on such amount from the date of the bonds provided for herein at the rate of not to exceed six per cent per annum.

Provided, further, that if the applicant is a renter, the owner of the land shall also sign the contract with him, except where an exception is made by the order of the Board of County Commissioners, and where the owner signed such contract, the county shall have in addition a lien upon all of the real estate of said owner upon which said seed and grain was sown.

It shall be the duty of the County Treasurer to collect said notes as they fall due and upon payment of the same to satisfy the lien in the office of the Register of Deeds and return the note to the debtor.

It shall further be the duty of the County Treasurer to deliver to the Board of County Commissioners a statement of all contracts which remain unpaid on the first day of January in the year following. At any time such contracts fall due, it shall be the duty of the Board of County Commissioners when it deems such action advisable to order the States Attorney to immediately commence an action in behalf of and in the name of said County for the placing of such indebtedness in judgment or for the foreclosure of the lien in accordance with the laws providing for the foreclosure of mortgages by advertisements.

Provided, in cases where the enforcement of such payment would work great hardship the Board of County Commissioners may extend the date for payment of such debtor's contract from time to time; provided, further, that in no case shall any extension be given beyond the time stipulated for the payment of bonds issued to provide the seed grain or feed furnished by the County to any such debtor.

§ 4. APPROPRIATIONS.] There is hereby appropriated from any moneys in the State Treasury not otherwise appropriated, to the Commissioner of Agriculture and Labor the sum of Three Thou-

sand Dollars or so much thereof as may be necessary, and to the State Seed Commissioner the sum of One Thousand Dollars, or so much thereof as may be necessary, for analysis, tests, inspections, clerical assistance, traveling expenses, stationery, postage express, and such other expenses as may be by them deemed necessary in carrying out the provisions of this act.

§ 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 6. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 8:30 P. M. December 11, 1919.

SOLDIERS' FUND

CHAPTER 55.

[H. B. No. 2—Committee on State Affairs.]

INCREASING LEVY AND PURPOSES.

An Act to Amend and Re-enact Section 1 and Section 3 of Chapter 206 of the Session Laws of 1919, Relating to the Levying of a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of All Taxable Property Within the State for Each Year for the Purpose of Creating a Fund to Be Known as the "Returned Soldiers' Fund"; Providing for the Payment Thereof to Returned Soldiers; Defining the Powers and Duties of the Adjutant General and of the Industrial Commission With Reference Thereto.

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

§ 1. That Section 1 of Chapter 206 of the Session Laws of 1919 is hereby amended and re-enacted to read as follows:

§ 1. AMENDMENT.] There shall be levied upon each dollar of assessed valuation of all taxable property within this state for the year 1920, and every year thereafter, to be paid during said years, three-fourths of one mill, and all such revenues as may be collected thereby shall be paid into a special fund to be known as the "Returned Soldiers' Fund," which fund shall be paid to returned soldiers as compensation and shall be used for the following and no other purposes: (a) To secure a home or a farm home and improve, furnish or repair same; (b) To make payments on pre-existing indebtedness on such home or farm home or on any improvements or furniture connected therewith; (c) To procure farm machinery, seed grain, livestock, poultry and feed for same, and to pay off any pre-existing liens or mortgages against same; (d) To establish, or invest in, a business or trade, including the tools of a craftsman or to pay off any pre-existing indebtedness, mortgage or liens

against same; (e) To complete or procure an education in any approved educational institution, including correspondence schools; (f) To secure medical care or treatment and surgical services provided that in the event that any returned soldier is mentally incompetent, application be made therefor on his behalf by any person having the custody of any such soldier; provided that nothing herein shall be held to repeal, affect or prevent the levy, collection and disbursement of the one-half of one mill tax levied upon each dollar of assessed valuation of all taxable property within the state for the year 1919, under the provisions of Section 1 of Chapter 206 of the Session Laws of 1919; but such tax so levied and when collected shall be available under the provisions of this Act whether application has been heretofore filed with the Adjutant General or not; any application so filed may be amended by the applicant to comply with the provisions of this Act.

§ 2. That Section 3 of Chapter 206 of the Session Laws of 1919 is hereby amended and re-enacted to read as follows:

§ 3. AMENDMENT.] Any returned soldier, as hereinafter defined, upon proof thereof to the satisfaction of the Adjutant General of the State of North Dakota, and after application, in such form as the Adjutant General may prescribe therefor, shall be entitled to receive from said fund Twenty-five Dollars per month for each and every month or fraction thereof, as computed by the Federal Government in like instances, that any such returned soldier was engaged in the service of the United States or the service of any government associated with the United States in the present war; but such computed time shall not commence at a date prior to the declaration of war by the United States nor continue longer than November 1, 1919, except as to soldiers who prior to the signing of the armistice were sent to Russia and are still in the service under such original enlistment, for the purposes defined and enumerated in Section 1 of this Act. Payments shall be made in one payment from such fund to such returned soldiers in the order in which their applications are received, filed and approved, out of any funds available therefor, on vouchers issued by the Adjutant General, and approved by the State Auditor; provided, that in the case of the death of any soldier while in service or before his application has been received, approved and paid, the said payment so shown to be due shall be payable to an orphan child or the orphan children, under lawful age, or to the widow, if still single, or to the mother or to the father if reasonably in need of same, of the deceased soldier, in the order named; provided further, that the Adjutant General, with the consent of the Industrial Commission, may in his discretion give priority to claims under this Act. No proceedings in county court shall be required to establish the relationship of either the children, wife, mother or father; but all such claims shall be presented to the Adjutant General, and when such relationship has been established to his satisfaction he may allow such claims and they shall then be paid in accordance with the

provisions of this Act without further procedure; provided further, that no payments shall be made under the provisions of this Act, save for the time spent in the service, and provided further, that the compensation paid under this Act shall be used for the purposes mentioned herein, within the State of North Dakota only, unless the said Adjutant General, under the direction and consent of the Industrial Commission, shall in individual cases direct otherwise; provided further that when it shall be made to appear to the Adjutant General that any such returned soldier shall have deserted his wife or minor children and when no divorce shall have been granted, then the amount to which such returned soldier shall be entitled under the provisions of this Act may be paid to such wife or minor children.

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

Approved 7:15 P. M. December 11, 1919.

STATE SHERIFF

CHAPTER 56.

[H. B. No. 54—Alberts.]

STATE SHERIFF.

An Act to Provide for the Better Enforcement of the Laws of This State, Constituting the County Sheriffs of This State a State Constabulary and Defining Their Duties; Creating the Office of State Sheriff and Defining His Duties; Making an Appropriation Therefor 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. The several Sheriffs and Deputy Sheriffs of this state, in addition to their present duties, are hereby constituted a State Constabulary for the purpose of detecting crime; apprehending criminals; suppressing riots; preventing affrays and preserving and enforcing law and order throughout the state.

§ 2. The head of the State Constabulary shall be the State Sheriff who shall be appointed by the Governor and serve during the pleasure of the Governor.

§ 3. He shall receive a salary of Three Thousand Dollars per annum and his actual and necessary traveling expenses when engaged in the discharge of his duty, and furnish bond in the sum of Ten Thousand Dollars for the faithful performance of his duties.

§ 4. The State Sheriff shall have the same power and authority as other sheriffs and, in addition, it shall be his duty, under the direction of the Governor; To enforce all the criminal laws of

this State; to cause criminal complaints to be filed against persons violating the same; to assist in detecting and investigating crime; producing evidence thereof; arresting and prosecuting persons charged therewith; to suppress riots; prevent affrays and preserve law and order throughout the state; to supervise the members of the State Constabulary in the discharge of their official duties; to employ, with the consent and approval of the Governor, special agents to carry out the duties of his office and the provisions of this Act, provided that not more than three persons shall be employed as special agents at any one time; to call, with the approval of the Governor, into the service of the state any members of the State Constabulary at any time that it may be deemed necessary to preserve law and order in any part of the state or to apprehend any person who has violated any laws of this state; to make suitable rules and regulations for the State Constabulary; to order and direct any sheriff to render any special or particular service which he may deem necessary for the purpose of carrying out the provisions of this Act; to co-operate with and assist the Governor in the performance of his official duty for the faithful execution of all laws.

§ 5. It shall be the duty of each and every member of the State Constabulary to comply with all orders of the State Sheriff and to furnish the State Sheriff from time to time such information regarding conditions in their several counties as may be required, and to aid and assist the State Sheriff in carrying out the provisions of this Act.

§ 6. The members of the State Constabulary and the special agents hereinbefore provided for shall receive the sum of Five Dollars per day for each day actually and necessarily employed, together with their actual and necessary traveling expenses while acting under the direction of the State Sheriff. All items for salary, expenses and compensation herein authorized shall be paid upon vouchers therefor approved by the Governor.

§ 7. Any person or peace officer who shall wilfully fail or refuse to obey the call for assistance of the State Sheriff or any of his special agents or to perform any other duty herein imposed upon him shall forfeit his office.

§ 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 9. There is hereby appropriated the sum of Ten Thousand Dollars out of the State Treasury for the purpose of carrying out the provisions of this Act.

Approved 8:10 p. m. December 11, 1919.

STREET CAR LINE

CHAPTER 57.

[H. B. No. 6—Renauld.]

EXTENSION REPEAL.

An Act to Repeal Chapter 207 of the Session Laws of North Dakota, 1919, Relating to the Extension of the State Street Car Line and Providing for an Appropriation Therefor.

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

§ 1. That Chapter 207 of the Session Laws of North Dakota for the year 1919 be, and the same is hereby repealed.

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

Approved 2:00 P. M. December 8, 1919.

TAXATION

CHAPTER 58.

[S. B. No. 36—Ettestad and Berg.]

COLLECTION OF DELINQUENT TAXES.

An Act Providing for the Collection of Delinquent Taxes Due to the State.

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

§ 1. AMENDMENT.] When any tax required by law to be paid to the state has been duly assessed, certified and demanded, and is delinquent and remains unpaid, the Attorney General, Tax Commissioner, or other officer of the state charged with the enforcing of the payment or collection of the same, within ten days after such demand, shall notify the delinquent that unless such tax is paid on or before the tenth day thereafter, the same will be placed in the hands of the state or any county sheriff for collection; and if such tax remains unpaid, such official shall, upon such date, certify such tax to the State Sheriff, or to the County Sheriff of any county wherein the property of any such delinquent tax payer may be located, and such sheriff shall immediately proceed to collect such delinquent tax; and if the same be not forthwith paid upon demand by him, he shall distrain sufficient property belonging to such tax payer to pay the same, including the penalty provided by law,

together with accrued interest at the rate of five per cent per annum, and all costs of such distraint and sale. Said Sheriff shall immediately proceed to advertise the sale of such property by putting notices in three public places in the town or district where the same is taken, stating the time when and the place where such property is to be sold, the amount of said delinquent tax penalties, accrued interest and cost, which place of sale shall be at the residence or place of business of the person, firm, or corporation whose property has been distrained, or at the place of sale of mortgaged chattel or real property within such town or district, at the discretion of the sheriff. Such sale shall not be less than ten days after the taking of such property; and if such tax, penalties, accrued interest and costs be not at that time paid, said Sheriff or his Deputy shall proceed to sell such property at public vendue, or so much thereof as shall be sufficient to pay such taxes, penalties, accrued interest and costs. Any surplus arising from such sale shall be disposed of as in the case of mortgaged personal or real property, as the case may be. All moneys collected under the provisions of this Act shall be paid into the State Treasury, and the State Treasurer shall issue to such Sheriff a proper receipt for the same.

§ 2. When any tax assessed under the authority of the state, or any taxing subdivisions thereof, is due and unpaid, and any state or county officer whose duty it is to enforce the payment of such tax, by the institution of legal proceedings or otherwise, shall neglect or refuse to take such action, the State Tax Commissioner shall institute such legal or other proceedings as he may deem necessary for the enforcing of the payment of such taxes, or of the collection of the same, together with all penalties provided by law, by the distraint of property or otherwise; and for these purposes he may exercise any power conferred by law upon any state or local officer, for the carrying out of the purpose of this Act, the State Tax Commissioner may employ such legal or other assistance as he may deem necessary.

§ 3. This Act is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 10:25 P. M. December 11, 1919.

CHAPTER 59.

[S. B. No. 32—McCarten.]

EXPRESS, TELEPHONE AND CAR LINE COMPANIES.

An Act to Amend and Re-enact Section 2144 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Assessment of Express, Telegraph and Telephone Companies, Freight Line and Car Equipment Companies, and to Impose a Gross Earnings Tax on Freight Line and Car Equipment Companies, 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. AMENDMENT.] That Section 2144 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 2144. The State Board of Equalization shall, at its annual meeting in August in each year, assess according to its actual value the franchises and all property within the state of all express companies, sleeping car companies, dining car companies, telegraph and telephone companies. To enable such Board to make a correct valuation of such franchises and property it shall have access to all reports of such corporations which may be on file in any public office of the state and they shall have power to compel and require every such company on reasonable notice to report to them a full statement of the property and mileage and number of telephones operated by it within this state, and shall have power to summon and compel the attendance of witnesses and may examine such witnesses under oath in any manner relating to the value of such property. In estimating the value of such franchise and property the Board shall be governed by the same rules as are provided for the government of county and township assessors in valuing other property in this state. It shall cause a record to be made of the estimated value placed upon each of the items which go to make up the aggregate valuation of such assessment.

§ 2. Every freight line and car equipment company carrying on business for profit in this state, shall pay an annual tax to the state upon the gross earnings from the operation of its lines or routes in this state.

For the purpose of assisting in the determination of the amount of such tax every such corporation included in this section shall on or before the 15th day of March in each year return to the tax commissioner, under oath of its treasurer, or person performing the duties of treasurer, or of a duly authorized agent or officer:

(1) The name and location within this state of such corporation; and if it have no location in this state where such corporation is located.

(2) The total amount of gross earnings from the operation of its lines or routes for the year next preceding the first day of January of the year in which such return is required to be made, or for such lesser time as such corporation has carried on business.

(3) In case any corporation subject to such tax was carrying on business both within and without this state during such period, such corporation shall also return the number of miles such cars were operated in this state, and the total number of such cars were operated within and without the state for such period.

§ 3. Every corporation included in section two of this act shall be taxed upon the amount of the gross earnings from its operation in this state, which shall be determined for the purpose of assessment and taxation as follows:

(1) In case of a corporation carrying on business wholly within the limits of this state, the entire amount of the gross earnings from the operation of its lines or routes ascertained under the preceding section.

(2) In the case of a corporation also carrying on business outside of this state, a portion of the entire amount of the gross earnings from the operation of its lines or routes, ascertained under Section 1 shall be apportioned to this state in such proportion as the number of miles such cars were operated in this state for the year ending December 31st next preceding bears to the total number of miles such cars were operated for such purposes both within and without the state.

§ 4. The Tax Commissioner shall annually fix from such return or from other information the amount of the gross earnings of every corporation included in the preceding section for the year next prior to the first day of the next preceding January, or lesser time that such corporation has carried on business, and notify each such corporation of such amount on or before the first day of May in each year, and, if any such corporation is not satisfied with the amount fixed, said Tax Commissioner upon being so notified within the first fifteen days of May, shall fix an early day at his office when the officers of such corporation can be heard to show cause why said amount should be changed, and after such hearing said Tax Commissioner shall fix such amount as appears to be the actual amount of such gross earnings.

§ 5. The Tax Commissioner on the first business day of June in each year shall make up a list of all corporations included in Section 2 of this act, with the amount of gross earnings of such corporation from the operation of its lines or routes in this state, and shall assess a tax upon such corporations at the rate of six (6) per centum of such gross earnings. Said Tax Commissioner shall certify the amount of such tax as demanded by him in each case to the State Auditor on or before the first day of June, and within fifteen days thereafter the Auditor shall make his draft upon such company for the amount of the tax due as certified, and shall present the same to the State Treasurer for collection. Within fifteen days thereafter the State Treasurer shall make demand for the payment of such warrant, but the failure to receive such notice shall not excuse the payment of such tax. The tax assessed as aforesaid shall be payable on the 15th day of July next after its assessment as aforesaid, and if not paid by the first day of August shall bear interest from the 15th day of July at the rate of eight per centum per annum until paid, if such payment is made before the commencement of legal proceedings for the recovery of the tax, and at the rate of ten per centum per annum if made after the commencement of such proceedings. Such delinquent and unpaid tax and penalties assessed and certified by the State Tax Commissioner, shall be a lien upon all and singular, the property, estate and effects of any such company, association, co-partnership, corporation or individual, and shall take precedence of all demands and judgments

against the same; and the certificate of the State Tax Commissioner that the said tax and penalties are due and unpaid, and the unpaid draft of the State Auditor issued in pursuance thereof, shall be sufficient warrant for the Attorney General to institute proceedings for the collection of said tax and penalties, by sale of such property or otherwise. For the purpose of this Act and the taxes herein imposed, all cars owned and operated by any freight line or car equipment companies and operated within the state, or partly within and partly without the state, are hereby declared to have a situs in the state.

§ 6. The taxation provided in this Act upon the gross earnings of every corporation included in Section 2 of the Act, shall be in lieu of all other taxation upon the property of such corporations of every kind and description, real, personal or mixed, used in operation of their lines or routes within this state.

§ 7. The Tax Commissioner shall have power to require, from time to time, from such corporations and their officers such sworn reports as will give said Tax Commissioner the information necessary to assess the tax provided for under Sections 2 to 4 inclusive of this Act. If any corporation or officer or employee thereof shall refuse to give to said Tax Commissioner or his authorized agent any such information, or refuse to permit any examination of the books of the corporation, said Tax Commissioner or his authorized agent may examine the books of such corporation and from such examination and any other source available make the return required to be made in Section 2, which return shall stand in the place of the return required of such corporation for all the purposes of this Act.

§ 8. If the returns required to be made by Section 2 of this Act be not made within twenty days after the time therein fixed the officer or agent neglecting or refusing to make the same shall be liable to a fine of not exceeding Five Thousand Dollars, nor less than Five Hundred Dollars.

§ 9. All administrative, special and general provisions of law, including the general tax laws of the state and not inconsistent with the provisions of this Act are hereby extended and made applicable to all the provisions of this Act and to the taxes herein imposed.

§ 10. All moneys collected under the provisions of this Act shall be paid into the State Treasury to be used in the defraying of the general expenses of the state government.

§ 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved 8:35 A. M. December 12, 1919.

CHAPTER 60.

[S. B. No. 12—Welford.]

INCOME TAX.

An Act to Amend and Re-enact Sections 7, 8, 9 and Subsection (e) of Section

13, and Section 18 of Chapter 224, Session Laws of North Dakota, 1919, Relating to Income Taxes.

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

§ 1. AMENDMENT.] Section 7 of Chapter 224, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 7. (a) Exemptions in the nature of deductions from the amount of the total net income from all sources, within and without the state, shall be allowed as follows:

1. To every person subject to a tax hereunder, \$1,000.
2. To every head of a family, or other person responsible for the support of one or more dependent persons, \$1,000 additional.
3. To every person described in sub-section 2 hereof, \$200 additional for each dependent person more than one.

Provided, that none of the exemptions provided herein shall operate in favor of more than one such person on account of other persons dependent upon him for support; and, provided, further, that the deduction in any case shall be from the total net income from all sources, within and without the state, of all persons or groups of persons in favor of whom the same is allowed.

(b) The taxpayers having net income in excess of the total exemptions allowed in this Act may receive the benefit of the exemptions provided for in this section only by filing, or causing to be filed, with the Tax Commissioner, a true and accurate return of his total income received from all sources, corporate or otherwise, within or without the state, in the manner prescribed by this Act; and in case of his failure to file such return, the tax shall be collected upon his total net income from all sources within the state, as discovered and computed by the Commissioner from any source of information available to him; and all property within the state belonging to such taxpayer shall be liable to distraint for the payment of the tax.

§ 2. AMENDMENT.] Section 8 of Chapter 224, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 8. (a) The tax shall be computed and assessed upon the net income, as ascertained under the provisions of this Act, of each person subject thereto, received in each preceding calendar year ending December 31st.

(b) On or before the first day of March in each year, a true and accurate return, under oath, shall be made by each person of lawful age, except as hereinafter provided, on all income received during the previous calendar year, when the aggregate amount thereof exceeds the total exemptions allowed in this Act, to the Tax Commissioner, or his agent for the district in which such person has his legal residence or his principal place of business, or, if there be no legal residence or place of business in the state, then with the Tax Commissioner at the Capitol, in such form as the Commissioner shall prescribe, setting forth specifically the gross amount of income from all separate sources, and from the total thereof deducting the aggregate items of allowance herein authorized; provided, that the

Commissioner shall have authority to grant reasonable extension of time, in meritorious cases, for filing returns of income by persons residing or traveling outside of the state, who are required to make out and file returns of income and who are unable to file such returns on or before the dates herein specified; provided, further, that the aforesaid return may be made by an agent, when by reason of illness, absence or non-residence, the person liable for said return is unable to make and render the same, the agent assuming the responsibility of making the return and incurring the penalties provided for erroneous, false or fraudulent return.

(c) Guardians, trustee, executors, administrators, receivers, conservators, and all persons, corporations or associations acting in any fiduciary capacity, shall make and render a return of the income of every person, trust or estate for whom or which they act and shall be subject to all the provisions of this Act which apply to individuals. Such fiduciary shall make oath that he has sufficient knowledge of the affairs of any such person, trust or estate, to enable him to make such return and that the same is, to the best of his knowledge and belief, true and correct; provided, that a return made by one of two or more joint fiduciaries, and filed in the county where such fiduciary resides or with the Commissioner, under such regulations as he may prescribe, shall be a sufficient compliance with the requirements of this paragraph. All such fiduciaries, and all persons, corporations, joint stock companies or associations, in whatever capacity acting, and all officers and employees of the state, or any political subdivision thereof, having the control, receipt, custody, disposal or payment of wages, salaries, interest, dividends, profits, premiums or annuities, payable to any person, corporation, joint stock company or association are likewise required to make a return of the income from such sources of every person, corporation, joint stock company or association to whom or which such payments are due.

(d) Persons carrying on business in partnership shall be liable for payment of income taxes only in their individual capacity, and the share of the profits of the partnership to which any taxable partner would be entitled if the same divided, whether divided or otherwise shall be returned for taxation and the tax paid under the provisions of this Act governing the return of income and the payment of the tax upon the same by individuals; provided that from the net distributive interest on which the individual members shall be liable for income tax, there shall be made all deductions and exemptions hereinbefore provided in favor of individual taxpayers. Any such partnership, when requested by the Commissioner or his authorized agent, shall render a correct return of the earnings, profits and income of the partnership, setting forth the items of the gross income and the deductions, credits and exemptions allowed by this Act, and the names and addresses of the individuals who would be entitled to the net earnings, profits, and income if distributed. A partnership shall have the same privilege of fixing and making the returns upon the basis of its own fiscal year as is accorded to corporations under this Act.

§ 3. AMENDMENT.] Section 9 of Chapter 224, Laws of North Dakota, 1919 is hereby amended and re-enacted to read as follows:

§ 9. (a) All assessments shall be made by the State Tax Commissioner, who, on or before the first day of May of each year, shall certify such assessments to the State Treasurer, by whom all persons shall be notified of the amount for which they are respectively liable, on or before the 30th day of June of said year. Said amounts shall be paid on or before the 15th day of July next following, except in cases of refusal or neglect to make proper returns, and in cases of erroneous, false or fraudulent returns, in which cases the Commissioner, upon the discovery thereof, shall at any time within thirty days after said return is due, or has been made, make a return upon information obtained as provided for in this Act, or by existing law, or require the necessary corrections to be made; and the assessment made by the Commissioner thereon shall be paid by such person, immediately upon the notification of the amount of the same; and to any sum or sums due and unpaid after the 15th day of June in each year, and for ten days after notice and demand thereof by the Treasurer, there shall be added the sum of five per cent upon the amount of tax unpaid, and interest at the rate of one per cent per month upon said tax, from the time the same became due, except from the estates of insane, deceased or insolvent persons.

(b) Where the tax upon any income is withheld at the source and paid to the state, under the provisions of this Act, the taxpayer may obtain the deductions or exemptions provided for in this Act by making application for the same to the Commissioner or his authorized agent for the district in which the tax is to be paid. Such application shall set forth:

1. The total income of such person from all sources, within and without the state:
2. The separate items for which he claims exemptions, deductions or credit.
3. Such other information as the Commissioner shall deem necessary for the computation of such exemption, deductions or credits.

If such person is absent from the state or is unable, owing to, serious illness to make the return and applications above provided for, for the same may be made by an agent, he making oath that he has sufficient knowledge of the affairs and property of his principal to enable him to make a full and complete return, and that the return made by him is full and complete, and to the best of his knowledge and belief, true and correct and that he assumes the responsibility of making such return, and incurs the penalties provided for erroneous, false or fraudulent return.

(c) The tax herein imposed upon gains, profits or other income not falling under the foregoing and not returned and paid by virtue of the foregoing, shall be assessed by personal return under rules and regulations prescribed by the Commissioner. The intent and purpose of this Act is that all gains, profits and other income of a taxable character, as defined by this Act, shall be charged and assessed with the corresponding tax prescribed herein, and said tax shall be paid

by the owner of such income, or the proper representative having the receipt, custody, control or disposal of the same.

For the purpose of this Act, ownership or liability shall be determined as of the year for which a return is required to be rendered.

§ 4. AMENDMENT.] Sub-section (e) of Section 13 of Chapter 224, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

(e) In any case where a tax assessed under the provisions of this Act is due and unpaid, the business or property within the state from which the income tax is derived, shall be liable for the payment of said tax, together with the penalties, by forfeiture of the franchise or privilege of such business or the distraint of such property; and the Commissioner is hereby authorized to institute such proceedings in the proper courts of the state as may be necessary for the enforcement of the provisions of this section; provided, that any person, company or corporation owing payments of income taxable under the provisions of this Act, may withhold the tax upon such payments and pay the same to the state, receiving the receipt of the Tax Commissioner therefore, which receipt shall relieve such person, company or corporation from all liability for the payment of such sum to the person, company or corporation to whom or to which payment of the income is due; or such person, company or corporation owing such payment of income may give a bond to the state, in such amount and with such surety as the Commissioner may prescribe, securing the payment to the state of the tax upon such income, in which case the business or property of such person, company or corporation shall not be subject to forfeiture or distraint under the provisions of this section; provided, that no person, company or corporation shall be held responsible for the return of earned income amounting in any case to less than \$500 annually, nor of unearned income amounting to less than \$100 to any one person, company or corporation, nor shall any business or property be liable to forfeiture or distraint for non-payment of the tax in such cases.

§ 5. AMENDMENT.] Section 18 of Chapter 224, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 18. Any contract entered into after the passage of this Act, creating a relation of debtor and creditor, which shall contain any provisions requiring the debtor to pay any portion of the tax imposed by this Act upon the creditor or his successor in interest shall be void; and whenever any such debtor may have paid any such tax he may recover from the creditor or his successor in interest a sum equal to double to amount so paid. Any person knowingly inserting or procuring the insertion of such provision in any such contract shall be subject to a fine of not more than \$1,000.00.

Provided, that nothing herein contained shall be construed so as to make illegal any contract or agreement by which any bank or fiduciary corporation within the state may undertake to absorb or pay the income tax chargeable against its customers or depositors upon

investment made by or through such bank or fiduciary for said customers or depositors.

§ 6. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 9:10 A .M. December 12, 1919.

CHAPTER 61.

[S. B. No. 27—Hunt.]

LIMITATION OF TAX LEVY.

An Act to Amend and Re-enact Chapter 214, Laws of North Dakota, 1919, Relating to the Limitations of Tax Levies, Debt Limits and the Powers and Duties of Certain Officers.

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

§ 1. AMENDMENT.] Chapter 214, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 1. For the years 1919 and 1920, the total annual amount of the taxes levied for any purpose, except special levies for local improvements and for the maintenance of sinking funds, in any county or political subdivisions thereof, or in any village, town or city within the state, shall not exceed by more than ten per cent the amount that would be produced by the levy of the maximum rate provided by law upon the assessed valuation of 1918; provided, that for road and school purposes the amount levied may be twenty per cent for 1919 and forty per cent for 1920, respectively, upon the basis of the assessed valuation of 1918.

§ 2. No salary of any official now determined on the basis of the amount of the assessed valuation of the taxable property in any county or political subdivision thereof, or in any city, town or village, shall be increased, prior to July 1, 1921, beyond the amount now authorized on the basis of the assessed valuation of 1918.

§ 3. In any case where any duty or power is imposed or conferred by law upon any official in any county or political subdivision thereof, or in any city, town or village, and such duty or power is contingent upon the assessed valuation of the taxable property in such county, political subdivision, city, town or village, prior to July 1, 1921, such duty or power shall rest upon and be conditioned by the assessed valuation of 1918, except as provided in Section 1 hereof.

§ 4. The debt limit of any county or political subdivision thereof, or of any city, town or village, shall not be increased in any fiscal year, prior to July 1, 1921, more than twenty-five per cent, nor shall the total increase be more than fifty per cent upon the limit now fixed by law upon the basis of the assessed valuation of 1918; provided, however, that the provisions of this section shall

not apply to school districts desiring to raise money for the purpose of repairing, furnishing, or building school houses.

§ 5. In all cases wherein levies have been made or salaries or debts increased, or any duty or power of any official has been limited or extended in excess of, or contrary to the limitations prescribed herein, the same shall be revised and corrected so as to conform to the provision of said Chapter 214, Laws of North Dakota, 1919, as hereby amended. Any county, city, town, village, township or other officer violating any of the provisions of this Act shall be subject to a fine of not less than One Hundred nor more than Five Hundred Dollars.

§ 6. All Acts or parts of Acts, in so far as inconsistent with provisions of this Act are hereby repealed.

§ 7. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 11:00 P. M. December 11, 1919.

CHAPTER 62.

[H. B. No. 20—Hoare, Wadson and Burkhart.]

MONEY AND CREDITS.

An Act to Exempt "Money" and "Credits" From Taxation Except as Herein Provided, and Repealing Chapter 255 of the Laws of North Dakota for the Year 1915, and Chapter 230 of the Laws of North Dakota for the Year 1917, as Amended by Chapter 226 of the Laws of North Dakota for the Year 1919, and All Other Acts and Parts of Acts in Conflict With the Provisions of This Act.

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

§ 1. Money and credits, as the same are defined in Section 2074 of the Compiled Laws of North Dakota for the year 1913, including bonds and stocks, are hereby exempted from taxation; provided, however, that the income therefrom except as to income derived from loans on North Dakota real property shall be taxable under the provisions of Chapter 224 of the Laws of North Dakota for the year 1919 except as therein exempted; provided, further, that stocks and bonds shall be subject to taxation in the manner provided by Chapter 222 of the Laws of North Dakota for the year 1919. Provided that nothing in this Act contained shall affect the validity of any tax upon transfers of property by will, gift, or intestate law, under the provisions of Chapter 225, Laws of North Dakota, 1919.

§ 2. This Act shall not be construed to invalidate or discharge any tax heretofore levied or assessed under or by virtue of any of the tax laws of this state.

§ 3. Chapter 255 of the Laws of North Dakota for the year

1915 and Chapter 230 of the Laws of North Dakota for the year 1917 as amended by Chapter 226 of the Laws of North Dakota for the year 1919, and all others Acts and parts of Acts in conflict herewith are hereby repealed.

§ 4. This Act is hereby declared to be an emergency measure and shall take effect and be in force and effect from and after its passage and approval.

Approved 7:30 P. M. December 11, 1919.

CHAPTER 63.

[S. B. No. 41—Oksendahl.]

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION.

An Act to Amend and Re-enact Section 2223 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Chapter 233 of the Laws of North Dakota for the Year 1919, Relating to the Redemption of Land Sold for Taxes, and Providing for the Furnishing of Notice of the Expiration of the Time for Redemption Upon All Mortgages and Assignees of Unsatisfied Record Mortgages.

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

§ 1. That Section 2223 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 233 of the Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 2223. AMENDMENT.] NOTICE OF EXPIRATION OF REDEMPTION. CERTIFICATE HOLDERS. MORTGAGEES AND ASSIGNEES. AUDITOR.] Every person holding a tax certificate shall, at least ninety days before the expiration of the time for the redemption of the lands therein described, present such certificate to the County Auditor and thereupon the Auditor shall prepare, under his hand and official seal, a notice to the person in whose name such lands are assessed, and to all mortgages or assignees of mortgagees holding unsatisfied record mortgages as hereinafter provided, specifying the description of such lands, the amount for which the same were sold, the amount required to redeem such lands from sale, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire, which notice the Auditor shall cause to be delivered to the Sheriff or his Deputy who shall serve it personally upon the owner, if known to be a resident of the state, but which may, if the owner be a non-resident, be given by registered mail, addressed to such owner at the last known postoffice address, and by publication once in each week, for three consecutive weeks, in some newspaper printed and published in the county where such lands are situated, if there be one; if none, then in some newspaper printed and published at the capital of the state, and in case the

property covered by such certificate is occupied then service of such notice shall, in addition to the foregoing provision, be made upon the person in possession thereof. Proof of notice herein provided for must be filed in the office of the County Auditor prior to the maturing of such certificate, and no deed shall issue until such proof has been duly filed. The fees for serving and the printer's fees for publishing such notice shall be added to the amount required to redeem such land, and shall be paid by the party offering to redeem such land before any certificate of redemption shall be issued. In case of failure on the part of the holder of any tax certificate to present the same to the Auditor at the time hereinbefore provided, the same may be so presented at any time within three (3) years thereafter, and thereupon such notice shall be issued and served as hereinbefore provided, and the time for redemption of such lands shall expire ninety days after such notice; provided that the county shall not be liable for any expense incurred under the provisions of this section; provided, further, that said tax certificates, also any subsequent taxes paid by the holder thereof, shall continue to draw interest until said taxes are paid or redeemed. Provided, further, that in case said tax certificate should for any reason be declared void the interest thereon shall cease from and after three (3) years from the date of such certificate. Provided, further, that a duplicate copy of the notice herein required to be prepared and served upon the person in whose name the land is assessed, shall be prepared by the County Auditor and said copy shall be served by the Auditor upon all mortgagees and assignees of mortgagees holding unsatisfied recorded mortgages on said land as shown by the records in the office of the Register of Deeds, by registered letter addressed to such mortgagee or assignee, as hereinafter provided, and at least ninety days before the time for redemption expires. That before any mortgagee or assignee of mortgagee shall be entitled to receive the duplicate notice as herein provided, he shall file with the County Auditor a statement in writing that he requires such duplicate notice mailed to him, giving his postoffice address, and the mortgagee or assignee will be entitled to receive the notice herein provided from that date. Provided, further, that the County Auditor shall be entitled to charge and receive from said mortgagee or assignee as a fee for preparing and mailing said duplicate notice, the sum of One Dollar and Fifty Cents and no more for each notice so prepared and served.

§ 2. That Chapter 233 of the Laws of North Dakota for the year 1919 is hereby repealed.

Approved 9:15 A. M. December 12, 1919.

CHAPTER 64.

[S. B. No. 10—Cahill.]

OIL TAX.

An Act to Amend and Re-enact Section 1 and Section 2 of Chapter 227, Laws of North Dakota, 1919, Relating to the Taxation of Petroleum Products.

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

§ 1. AMENDMENT.] Section 1 of Chapter 227, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 1. DEFINITION.] The term "oil company," when used in this Act, shall mean any person, corporation, company, or association engaged as a jobber or wholesaler in the business of storing, shipping, distributing or selling within the state any of the petroleum products or by-products enumerated in this Act.

The term "wholesaler" or "jobber" shall mean and include any person, corporation, company or association making any original sale of any of the petroleum products or by-products enumerated in this Act within the state.

The term "Original sale" shall mean the first sale, distribution, transfer, consignment or bailment of such products within the state.

The term "gasoline" shall mean and include any products derived from petroleum or kerosene by any process of evaporation or distillation.

The term "petroleum products or by-products" shall mean and include any and all mineral oils, however obtained or derived, sold or offered for sale in the state for use in the generation of light, heat, or power.

The term "oil inspector" shall mean and include any person employed by the state for the inspection of any petroleum products, or by-products, within the state.

§ 2. AMENDMENT.] Section 2 of Chapter 227, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 2. All petroleum products or by-products as in this Act defined, sold or offered for sale within the state are hereby classified for purposes of taxation as follows; and from and after the date when this Act goes into effect, every oil company doing business within the state, and engaged in storing, shipping, consigning, distributing or selling any petroleum products or by-products, as in this section classified, as follows:

Class 1. All gasoline conforming to North Dakota chemical tests for household purposes, as prescribed in Sections 8, 9 and 10, of Chapter 185, Laws of North Dakota, 1919, shall be exempt from taxation.

Class 2. Upon all gasoline not conforming to the requirements of Class 1, but which, under said tests distill over not less than three per cent and not more than fifteen per cent below 158 degrees

F. and leaving a residue undistilled, of not more than thirty-six per cent at 284 degrees F. distilling not less than ninety-six per cent below 428 degrees F., and containing no other ingredients than petroleum products or by-products, a tax of one-fourth of one cent per gallon.

Class 3. Upon all gasolines not conforming to the requirements of Class 1 or Class 2, or containing materials other than petroleum products or by-products—a tax of one cent per gallon.

Class 4. Upon all kerosene conforming to North Dakota chemical tests for illuminating purposes, as prescribed in Section 8, 9 and 10, of Chapter 185, Laws of North Dakota, 1919,—a tax of one-fourth of one cent per gallon.

Class 5. Upon all kerosene not conforming to the requirements of Class 4, and upon all other petroleum products or by-products, as defined in this Act, not hereinbefore in this Section enumerated, a tax of one-half of one cent per gallon.

§ 3. The provisions of this Act shall not be construed so as to invalidate any tax heretofore assessed or collected under or by virtue of said Chapter 227, or of the general tax laws of the state.

§ 4. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 9:50 P. M. December 11, 1919.

CHAPTER 65.

[H. B. No. 59—Delayed Bills Committee.]

REDUCING GENERAL LEVY.

An Act Remitting and Reducing the Amount of State Taxes Levied for the General Fund for the Year 1919.

WHEREAS, several of the state industries are self-supporting and are in a position to refund to the State Treasury all moneys appropriated for their operation, and

WHEREAS, stringent economy and retrenchment are necessary because there has been a partial crop failure in this state.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That the levy and the amount of state taxes for the General Fund as determined by the Board of Equalization for the year 1919 be and the same is hereby reduced twenty-five per cent thereof, and the several County Treasurers in this state are hereby authorized and directed to remit to each taxpayer at time of paying such taxes twenty-five per cent of the amount so levied and due from any such taxpayer; or in the event that said taxes have been paid any such Treasurer shall refund to any such taxpayer twenty-five per cent of the taxes so levied; provided further than the provisions of

this Act shall not apply to taxes levied or assessed for state hail insurances or taxes levied for the creation of the Returned Soldier Fund.

§ 2. It shall be the duty of each County Treasurer to furnish each such taxpayer a statement showing in words and figures the amounts due from such taxpayer for state purposes and the amount refunded or remitted.

§ 3. Any County Treasurer violating the provisions of this Act shall be guilty of a misdemeanor.

§ 4. This Act is hereby declared to be an emergency act and shall take effect and be in force from and after its passage and approval.

§ 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved 8:45 P. M. December 11, 1919.

CHAPTER 66.

[S. B. No. 56—Church.]

REDUCING SCHOOL LEVY.

An Act to Amend and Re-enact Chapter 216 of the Session Laws of North Dakota for the Year 1919, Same Being Section 1224, Compiled Laws of North Dakota of 1913, Relating to the Tax of One Mill on the Dollar on Taxable Property for the School Districts of the County.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

That Chapter 216 of the Session Laws of North Dakota for the year 1919, same being Section 1224, Compiled Laws of North Dakota of 1913, be amended and re-enacted as follows:

§ 1224. TAX, HOW LEVIED.] The County Auditor of each county shall at the time of making the annual assessment and levy of taxes levy a tax of one dollar on each elector in the county for the support of public schools, and a further tax of one-half mill on the dollar on taxable property in the county, to be collected at the same time and in the same manner as other taxes are collected, which shall be apportioned by the County Superintendent of Schools among the school districts of the county.

Approved 9:25 A. M. December 12, 1919.

CHAPTER 67.

[S. B. No. 3—Zieman.]

SEMI-ANNUAL PAYMENT OF TAXES.

An Act to Amend and Re-enact Section 2185, Compiled Laws, of North Dakota for the Year 1913, Relating to Real Estate Taxes Due and Delinquent, and Penalty and Interest Thereon.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 2185 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2185. All real estate taxes shall become due on the first days of December in each and every year for which the tax is levied; the full amount of the hail tax both flat and indemnity and one-half of the remaining real estate taxes shall be delinquent on the first day of March following, and if said one-half becoming due on March first shall remain unpaid after that date, there shall be attached thereto a penalty of five per cent, and on the first day of June following an additional penalty of two per cent, and on the first day of November following a further penalty of three per cent on the original one-half become delinquent on March first as aforesaid.

The other half shall become delinquent on the 15th day of October and if unpaid on that date, a penalty of five per cent shall be added thereto; and if said second one-half of said tax remains unpaid on the first day of November an additional penalty of five per cent shall be added. The penalties prescribed in this section to be cumulative, and to be charged and collected accordingly without being specially added or noted on the tax list.

§ 2. This Act shall take effect and be in force from and after December 1st, 1920.

Approved 11:00 A. M. December 13, 1919.

CHAPTER 68.

[S. B. No. 55—Ward.]

SITUS OF PERSONAL PROPERTY.

An Act to Amend and Re-enact Section 2095 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 229, Laws of North Dakota, 1917, as Amended by Chapter 229, Laws of North Dakota, 1919, Relating to Revenue and Taxation and Fixing the Situs of Personal Property for Tax Purposes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229, Laws of North Dakota, 1917, as amended by Chapter 229, Laws of North Dakota, 1919, is hereby amended and re-enacted to read as follows:

§ 2095. Except as otherwise provided in this Chapter, personal property shall be listed and assessed in the county, town or district where the owner or his agent resides, or if such owner has no residence in the state, at his principal office or place of business in the state, and if such owner has no principal office or place of business in the state, in the town or district where his business is carried on,

or if such owner has no residence nor place of business, and is carrying on no business within the state, then such property shall be listed in the county, town or district in which it exists at the time of assessment.

§ 2. Nothing in this Act contained shall affect the validity of any tax heretofore assessed under or by virtue of the provisions of said Section 2095 of the Compiled Laws of North Dakota for the year 1913, as amended.

§ 3. All Acts or parts of Acts insofar as inconsistent with the provisions of this Act, are hereby repealed.

§ 4. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved 10:10 p. m. December 11, 1919.

CHAPTER 69.

[H. B. No. 17—Randall.]

TAX SUPERVISORS.

An Act Providing for the Appointment of Tax Supervisors, Fees. Their Salaries and Term of Office and Defining Their Powers and Duties and Repealing Chapter 219 of the Law of North Dakota for the Year 1919.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The State Tax Commissioner may appoint in each Judicial District of the state, a Tax Supervisor for each district, who shall serve for four years, or until his successor is appointed and qualified. And such Tax Supervisor may be removed with or without cause by the Commissioner.

§ 2. Each Tax Supervisor shall qualify on or before the second Monday following the day of his appointment, or in case of vacancy, immediately upon receiving notice of appointment, and before entering upon the duties of his office, shall take and subscribe to the oath required of other state officials, and shall give a bond to the state in the sum of not less than \$2,000, with good and sufficient security, as provided by statute for the bonding of public officers, said bond to be approved by the Board of County Commissioners and conditioned upon the faithful and impartial discharge of the duties of the office.

§ 3. Under the supervision of the Tax Commissioner the Tax Supervisor shall have supervision over all tax assessments and tax assessors within his district, and shall perform such other services as the Commissioner may require. The Tax Supervisor shall devote his entire time to the duties of his office and shall not hold any other position of trust or profit, nor engage in any business or occupation interfering or inconsistent with the duties of such supervisor. He shall from time to time secure such data concerning the

listing and taxing of property within his district as shall be required by the Tax Commissioner, and as may be necessary for the efficient discharge of the duties of his office. He shall tabulate and report such data on the forms prescribed by the Tax Commissioner, and shall make all such reports to the Tax Commissioner or other state or county officials as the said Commissioner may require, or as may be required by law. When the Tax Supervisor is not employed in the actual work of supervising the assessments of the current year, he shall devote his time to the study of the valuation of property liable to assessment and taxation, or to the performance of such other duties as the Tax Commissioner may require of him; and for such purposes shall have authority to interrogate witnesses under oath administered by him and the authority to administer such oath is hereby expressly conferred upon such Tax Supervisors. He may require to have produced before him such books, papers, documents or records as he may deem necessary for his investigation.

§ 4. The Tax Supervisor is hereby authorized to raise or lower any assessment made by any local assessor in his district, provided that such action be taken prior to the meeting of the township or city board of equalization, and the party whose assessment is raised to be given due notice so that he can appear before such board in order to protest such action. It shall be unlawful for any Tax Supervisor to disclose any information secured from any person, corporation, co-partnership or association in the performance of his official duties, except to the State Tax Commissioner, to district or county boards of equalization, to the State Board of Equalization, to any officer, board or commission to whom he may be required by law to make reports, or in any judicial proceeding in a lawfully constituted court involving the assessment or taxation of any such person, corporation, co-partnership or association. Any Tax Supervisor found guilty of violating the provisions of this Act shall be subject to a fine of not less than \$25 nor more than \$500.

§ 5. The Tax Supervisor shall receive an annual salary of \$2,000 to be paid in monthly installments by the County Treasurers of the respective counties and his actual expenses incurred in the discharge of his duties, not to exceed a maximum of \$200 per annum for each county, provided that the salary and expenses of such inspector shall be apportioned among the several counties composing the district by the State Tax Commissioner and all expenses incurred by any such Supervisor shall be approved by the Tax Commissioner and be paid in the same manner.

§ 6. This Act is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

§ 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved 8:20 P. M. December 11, 1919.

WEEDS

CHAPTER 70.

[H. B. No. 41—Wadeson.]

DESTROYING ON PUBLIC HIGHWAYS.

An Act to Provide for the Cutting and Removing of Weeds and Grasses Along the Public Highways, Streets and Alleys; Prescribing the Duties of Township Supervisors, Road Overseers and County Commissioners With Reference Thereto, and Providing for the Payment of the Expense Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. It shall be the duty of the Road Overseer in all organized or unorganized townships, and the Street Commissioner in all villages or cities within the State of North Dakota, to cut or destroy, or cause to be cut or destroyed, all weeds and grasses of every name, or nature and description, growing along or upon all graded public highways, streets and alleys in their respective road districts, villages or cities, at least twice in each year, to-wit: Once between July 1st and July 15th and one between October 1st and October 15th of each year. Such weeds shall be cut the entire width of the road, highway or street. Said work shall be paid for out of the road fund the same as any other road work.

§ 2. All overseers of public highways shall file their bills for cutting of weeds with the Board of Township Supervisors in organized townships and with the Board of County Commissioners in unorganized townships, but such bills shall not be allowed until the cutting of weeds in the township is completed, and at the time said bill is filed it shall be accompanied by the affidavit of the overseer that said weed cutting has been completed. Such bill may be allowed for cutting between July 1st and July 15th provided affidavit is made that all cutting to be done during that period has been completed, and again after October 15th upon the filing of affidavit that all cutting required to be done between October 1st and October 15th has been completed.

§ 3. It is hereby made the duty of the Board of Township Supervisors in every organized township, and the Board of County Commissioners in the case of unorganized townships, to see to it that the weeds and grasses along the highways within said townships are cut or destroyed as provided for in Section 1 of this Act.

§ 4. In case the Road Overseer of any township, or the Board of Supervisors of any organized township, shall fail to cut the weeds and grasses along the graded public highways between the dates prescribed in Section 1 hereof, it is made the duty of the Board of

County Commissioners in each county to, immediately after the expiration of each period prescribed in Section 1 of this Act, cut or destroy all weeds and grasses along graded public highways which have not been cut or destroyed by the township officers. As soon as the cutting of weeds is completed in any township the bill for cutting the same shall be presented to the Board of County Commissioners for audit and allowance and when allowed by the Board of County Commissioners shall become a charge against the township in which such cutting or destroying was done, and the County Auditor and County Treasurer of each county are hereby authorized to deduct from any fund due to any township from the county and from any funds in the hands of the County Treasurer belonging to such township the amount of any charge against such township growing out of the cutting or destroying of weeds along the graded highways by or under the direction of the Board of County Commissioners.

§ 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved 9:10 p. m. December 11, 1919.

WOLVES AND COYOTES

CHAPTER 71.

[S. B. No. 7—Welford.]

DESTRUCTION OF WOLVES AND COYOTES.

An Act to Amend and Re-enact Section 2 of Chapter 243 of the Laws of North Dakota for the Year 1919, Relating to the Destruction of Predatory Animals.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 243 of the Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 2. PROCESS OF EXTERMINATION.] The Extension Division of the North Dakota Agricultural College, co-operating with the Bureau of Biological Survey of the United States Department of Agriculture, shall put in operation said methods of extermination in order to destroy such noxious or predatory animals and is hereby authorized to employ such assistance, and purchase such equipment as may be required. Said Division is further authorized to carry on such work at such times and in such places as will tend to protect livestock, poultry, and other property from said noxious or predatory animals. Said Division is further authorized to provide for the sale of all furs of animals taken under the provisions of this Act. The said Division is further authorized to expend such sums as

may be necessary in educational campaigns for the destruction of such noxious and predatory animals: provided, however, that the total of all expenditures made hereunder shall not exceed the appropriation herein made together with the amount derived from the sale of furs of animals taken under this Act.

Approved 5:30 P. M. December 6, 1919.

WOMAN SUFFRAGE

CHAPTER 72.

[S. B. No. 1.]

WOMEN SUFFRAGE.

A Joint Resolution Ratifying a Proposed Amendment to the Constitution of the United States.

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

WHEREAS, the 66th Congress of the United States of America, at the first session begun and held at the City of Washington on Monday, the 19th day of May, 1919, by a constitutional majority of two-thirds thereof, made and passed the following proposal to amend the Constitution of the United States of America in the following words, to-wit:

"JOINT RESOLUTION"

Proposing an Amendment to the Constitution Extending the Right of Suffrage to Women.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (Two-thirds of Each House Concurring Therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the several states.

"ARTICLE —.

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

"Congress shall have power to enforce this article by appropriate legislation."

THEREFORE, BE IT RESOLVED, by the Legislative Assembly of the State of North Dakota, duly convened, that the said foregoing proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the Legislative Assembly of the State of North Dakota.

AND BE IT FURTHER RESOLVED, that certified copies of this Joint Resolution be forwarded by the Governor of this state to the Secretary of State for the United States of America at Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the National Congress.

Approved 5:45 P. M. December 5, 1919.

WORKMAN'S COMPENSATION BUREAU

CHAPTER 73.

[H. B. No. 46—Malone.]

MEMBERSHIP.

An Act to Amend and Re-enact Section 4 of Chapter 162 of the Session Laws of the State of North Dakota for 1919 Relating to Workmen's Compensation Fund.

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

§ 1. That Section 4 of Chapter 162 of the Session Laws of the State of North Dakota for 1919 be amended and re-enacted to read as follows:

§ 4. A Workmen's Compensation Bureau is hereby created in the Department of Agriculture and Labor, consisting of the Commissioner of Agriculture and Labor and the Commissioner of Insurance and three (3) Workmen's Compensation Commissioners, to be appointed by the Governor and who shall devote their entire time to the duties of the Bureau. The Governor shall appoint, and may remove for cause, three Workmen's Compensation Commissioners, one for the term of three years, expiring on the second Monday of January, 1923, one for the term of four years expiring on the second Monday in January, 1924, and one for the term of five years, expiring on the second Monday of January 1925, and at the expiration of each of said term, the Commissioner then appointed shall be appointed for a period of five years, and, it is hereby provided that the present Commissioners acting on said Bureau under appointment, one for the short term of three years, shall hold office until the second Monday in January, 1923; and that the Commissioner appointed for the long term of five years shall hold office until the second Monday of January, 1925. That one of the appointees on said Bureau shall be a representative of the employers, and one of the appointees of said Bureau shall be a representative of labor, and that one of the appointees on said Bureau shall be a representative of the public.

The Commissioner of Agriculture and Labor shall be ex-officio head of the Bureau and the Commissioner of Insurance shall be

ex-officio member of the Bureau. The other members of the Bureau shall receive a salary of \$2,500.00 a year.

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

Approved 3:00 p. m. December 11, 1919.

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